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October 8, 2020

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT COURT OF NEW YORK

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JOSE PANORA,  
on his own behalf and on behalf of others  
similarly situated,

Plaintiff(s),

Index No. 1:19-CV-07267

-against-

DEENORA CORP

d/b/a DEE'S;

DEE'S BRICK OVEN PIZZA, INC.,

d/b/a DEE'S; and

DEERAN ARABIAN a/k/a Dee Arabian,

Defendant(s).

-----x

October 8, 2020

10:22 a.m.

VIDEO CONFERENCED EXAMINATION BEFORE  
TRIAL of Plaintiff JOSE PANORA, pursuant to  
Notice, before Laura B. Lowenthal, a Notary  
Public within and for the State of New York.

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A P P E A R A N C E S:

TROY LAW, PLLC  
Attorneys for Plaintiff(s)  
41-25 Kissena Bouievard, #103  
Flushing, New York 11355  
BY: AARON SCHWEITZER, ESQ.  
E-mail: aaronswitzer@troypllc.com

KAUFMAN, DOLOWICH & VOLUCK  
Attorneys for Defendant(s)  
135 Crossway Park Drive, #201  
Woodbury, New York 11797

BY: AARON N. SOLOMON, ESQ.  
E-mail: asolomon@kdvlaw.com  
BY: TAYLOR M. FERRIS, ESQ.

ALSO PRESENT:

EIBER TRANSLATIONS, INC.  
Spanish Interpreter  
66 Powerhouse Road, Suite 403  
Roslyn Heights, New York 11577  
BY: ARIELA KOHEN

Dee Arabian, Defendant

George Poletes, Lexitas, Exhibit Tech

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STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED by  
and between the attorneys for the respective  
parties herein, that filing and sealing be and  
the same are hereby waived.

IT IS FURTHER STIPULATED AND AGREED  
that all objections, except as to the form of the  
question, shall be reserved to the time of the  
trial.

IT IS FURTHER STIPULATED AND AGREED  
that the within deposition may be sworn to and  
signed before any officer authorized to  
administer an oath, with the same force and  
effect as if signed and sworn to before the  
Court.

oOo

VIDEOCONFERENCE STIPULATION

IT IS HEREBY STIPULATED AND AGREED by  
and between counsel for all parties present that  
pursuant to the CPLR section 3113(d) this  
deposition is to be conducted by video  
conference, that the court reporter, all counsel,  
and the witness are all in separate remote  
locations and participating via videoconference  
(LegalView/Zoom) meeting under the control of  
Lexitas Court Reporting Service, that the officer  
administering the oath to the witness need not be  
in the place of the deposition and the witness  
shall be sworn in remotely by the court reporter  
after confirming the witnesses identity, that  
this videoconference will not be recorded in any  
manner and that any recording without the express  
written consent of all parties shall be  
considered unauthorized, in violation of law, and  
shall not be used for any purpose in this  
litigation or otherwise.

IT IS FURTHER STIPULATED that exhibits  
may be marked by the attorney presenting the  
exhibit to the witness, and that a copy of any

1  
2 exhibit presented to a witness shall be e-mailed  
3 to or otherwise in possession of all counsel  
4 prior to any questioning of a witness regarding  
5 the exhibit in question. All parties shall bear  
6 their own costs in the conduct of this deposition  
7 by videoconference, notwithstanding the  
8 obligation by CPLR to supply a copy of the  
9 transcript to the deposed party by the taking  
10 party in civil litigation matters.  
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A R I E L A K O H E N ,

an interpreter, having been duly sworn by  
the Notary Public, translated as follows:

J O S E P A N O R A ,

called as a witness, having been first duly  
sworn by a Notary Public, was examined and  
testified as follows:

EXAMINATION BY

MR. SOLOMON:

Q Can you please state your full name  
for the record?

A Jose Panora.

Q Can you please state your current home  
address for the record?

A I live at 6 Bertha Street, Apartment  
2, Albany, New York 12209.

MR. SCHWEITZER: We should have a  
document tech on the line to present  
exhibits so I just want to briefly go  
off the record so I can ascertain  
where that person is so I will mute my  
mic and I will be right back.

The time is now 10:22. I apologize for  
the delay everybody and the technical

1 J. Panora  
2 difficulties for the document tech and  
3 the service provider for today's  
4 deposition but we will now go on the  
5 record.  
6 Again, sorry. I will try to get  
7 through the deposition as quickly as  
8 we can.  
9 I understand the witness has been  
10 sworn and the interpreter has been  
11 sworn; is that correct?  
12 COURT REPORTER: Yes.  
13 MR. SOLOMON: I will now commence with  
14 the questioning.  
15 Q Mr. Panora, do you understand English?  
16 A A little bit, yes.  
17 Q Do you understand what I am saying  
18 right now?  
19 A Yes.  
20 Q When you worked at Dee's did you speak  
21 English to Dee or Spanish?  
22 A English.  
23 Q Can you read English?  
24 A More or less.  
25 Q Have you read documents in this case

1 J. Panora

2 in English?

3 A Some, yes.

4 Q Which documents have you read?

5 A Some of the ones that my lawyer showed  
6 me.

7 Q What documents did your lawyer show  
8 you?

9 A When we started the Complaint.

10 Q Anything else?

11 A Those are the documents that I have  
12 seen.

13 Q Just the Complaint?

14 A I read the ones that I signed.

15 Q You read the documents you signed?

16 A Yes.

17 Q You read them in English?

18 A Yes.

19 Q They were not translated to you?

20 A No, I read them by myself and I  
21 understood as far as I could.

22 Q You understood the documents that you  
23 read; correct?

24 A Yes.

25 Q What is today's date?



1 J. Panora

2 A Today is October 8.

3 Q What year?

4 A 2020.

5 Q Have you ever been known by any other  
6 name than Jose Panora?

7 A No, that is my only name.

8 Q Do you know what a nick name is?

9 A Nick name, yes.

10 Q Do you have any nick names?

11 A I have been called by nick names, yes.

12 Q What nick names have you been called?

13 A Chepa.

14 Q What does Chepa mean?

15 A I don't know why but they call people  
16 named Jose Chepa.

17 Q What is your birth date?

18 A August 5, 1974.

19 Q What is your birth location?

20 A Ecuador.

21 Q When did you come to the United  
22 States?

23 A I don't remember exactly the date but  
24 I have been here for 29, 30 years.

25 Q Do you have a social security number?

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J. Panora

MR. SCHWEITZER: Don't answer that.

MR. SOLOMON: Why not?

MR. SCHWEITZER: That information is not discoverable.

MR. SOLOMON: You know he is a citizen, right?

MR. SCHWEITZER: It is still not discoverable.

MR. SOLOMON: Still not discoverable. Okay, we will mark that for a ruling. Immigration status is not a concern unless you tell me that he is not a citizen when my understanding is that he is.

MR. SCHWEITZER: Not relevant. Not discoverable. Either way.

Q Mr. Panora, do you know why you're here today?

A Yes.

Q Why are you here?

A I have to be deposed regarding my job.

Q Do you know why?

A Because it was asked for.

Q Do you know who asked for it? Do you

1 J. Panora

2 know who asked for it?

3 A It was decided amongst the lawyers.

4 Q What device are you using to attend  
5 this deposition today?

6 A I am using my computer to do Zoom.

7 Q A lap top or a desktop?

8 A Lap top.

9 Q Where are you right now?

10 A I am in my house living room.

11 Q Do me a favor, pick up the lap top,  
12 spin it around, show me the room that you're in?

13 A (Indicating).

14 Q Thank you very much.

15 Have you ever been a party in a  
16 lawsuit before?

17 A Nothing regarding this one, no.

18 Q Have you ever been a plaintiff in any  
19 kind of case before?

20 A No.

21 Q Have you ever been a defendant in any  
22 kind of case before?

23 A No.

24 Q Have you ever been called to testify  
25 as a witness before?

1 J. Panora

2 A No.

3 Q Have you ever been deposed before?

4 A As far as I remember, no.

5 Q Is there anything that would help you  
6 remember?

7 A No.

8 Q What is your highest level of  
9 education?

10 A Unfortunately only up to sixth grade  
11 of elementary school.

12 Q That was in Ecuador?

13 A Yes.

14 Q I am going to give you a few  
15 instructions.

16 Just let the interpreter finish  
17 interpreting what I am saying. So of course now  
18 let the interpret translate this much and then I  
19 will continue.

20 As you can see we have a court  
21 reporter who is transcribing everything that we  
22 are saying. The court reporter can transcribe  
23 what we say, they can't transcribe what we do.  
24 So I would ask that you not make any gestures or  
25 any inaudible responses such as uh-huh, uh-hum.

1 J. Panora

2 Yes or no will suffice.

3 A Okay.

4 Q So I would ask that you speak slowly  
5 because we are using a translator and what  
6 happens is the translator translates my question  
7 to you, you answer it in Spanish and the  
8 translator translates the answer back to me in  
9 English; do you understand that?

10 A Yes.

11 Q If you don't understand the question  
12 please let me know.

13 A Okay.

14 Q If you answer my question I will  
15 assume that you heard and understood the question  
16 you were asked and move on.

17 If you need a break let us know. The  
18 lawyer needs a break in 27 minutes for example.

19 A Okay.

20 Q I would only ask that you not take a  
21 break while a question is pending.

22 A Okay.

23 Q And that means you have to answer what  
24 ever question I ask you before a break is given.

25 A Okay.

1 J. Panora

2 Q Do you have any questions about my  
3 instructions?

4 A No.

5 Q Is there any reason you can think of  
6 either physically, psychologically or emotionally  
7 or what ever that would cause you not to be able  
8 to give truthful or accurate testimony during  
9 today's deposition?

10 A No.

11 Q Have you drank any alcohol in the last  
12 24 hours?

13 A No.

14 Q Have you taken any medication or drugs  
15 legal or illegal in the last 24 hours that might  
16 impair or could impair your ability to think,  
17 recall, tell the truth or answer questions?

18 A No.

19 Q Are you taking any medications  
20 currently?

21 A No.

22 Q What is your cell phone number?

23 A 347-556-5532.

24 Q What is your provider?

25 A AT&T.

1 J. Panora

2 Q How long have you used the number that  
3 you just gave?

4 A Approximately 13 or more years.

5 Q Thirteen or more years?

6 A Yes.

7 Q What kind of phone do you have?

8 A iPhone.

9 Q iPhone 10, 9, 11?

10 A 11.

11 Q How long have you had your iPhone?

12 A I got it around like three, around  
13 three months ago.

14 Q The phone you have before that was  
15 that also an iPhone?

16 A Yes.

17 Q How long did you have that iPhone?

18 A I am not a hundred percent sure but  
19 around five years.

20 Q Is that an iPhone 10, 9, 8?

21 A Ten.

22 Q Why did you get a new phone three  
23 months ago?

24 A Because unfortunately the screen of my  
25 phone was damaged.

1 J. Panora

2 Q Does the screen still work?

3 A No, it became black and white.

4 Q Do you have that phone?

5 A Maybe I do.

6 Q What does maybe mean?

7 A I am not sure if I discarded the phone  
8 or not because it was not working.

9 Q What would help you remember what you  
10 did with the phone?

11 A Truthfully I would have to look for it  
12 and if I have it I will find it and if I don't  
13 find it it means that I don't have it any more.

14 Q Do you use the iCloud?

15 Do you know what the iCloud is?

16 A Yes, well I have a vague idea, yes.

17 Q What is your vague idea of the iCloud?

18 A That you can keep there like things  
19 like pictures and stuff.

20 Q When you got your new phone three  
21 months ago did you get any data that was on the  
22 old phone from the iCloud?

23 A Well truthfully I don't know if it was  
24 saved or not. I did pass the information from my  
25 former phone but I don't know.



1 J. Panora

2 Q So there are pictures on your phone  
3 that you have now that were older than three  
4 months ago?

5 A I have not checked my pictures. Maybe.

6 Q Do you have your phone with you?

7 A If I have my phone?

8 Q That is my question.

9 A It is nearby.

10 Q Can you go get it?

11 A Yes.

12 Q I want you to look at your photos.  
13 Can you open up your photos?

14 A Okay.

15 Q You are on the main screen for photos?

16 A Yes.

17 Q You see at the top is there at the top  
18 the time, is there a date range?

19 A No.

20 Q What do you see?

21 A Pictures.

22 Q I want you to scroll up as far as you  
23 can.

24 A Okay.

25 Q I want you to find the very first

1 J. Panora

2 picture and click on that picture.

3 A Okay.

4 Q Hold the phone up to your camera so I  
5 can see it. Just to show me that picture. A  
6 little closer.

7 There is a date at the top of that  
8 photo. Can you tell me what the date is?

9 A December 6, 2017.

10 Q 2017?

11 A Yes.

12 Q Is it fair to say you have text  
13 messages older than three months ago on your  
14 phone?

15 A I can imagine that, yes.

16 Q That is all for now for the phone. You  
17 can put it away. If you want to take a minute to  
18 put it away or leave it there that is fine.

19 A Okay.

20 Q The address you gave at the beginning  
21 of this deposition how long has it been your  
22 address?

23 A I have been living here for about  
24 eight to ten months.

25 Q Where did you live before your current

1 J. Panora

2 address?

3 A In Queens.

4 Q What is the address in Queens?

5 A I am sorry. 60-26 48th Street,  
6 Woodside, New York.

7 Q Do you live with anybody currently?

8 A With my mom and my wife.

9 Q Did you live with anybody in Queens?

10 A With my wife and my son.

11 Q How long did you live at that address  
12 in Queens?

13 A About 12 years.

14 Q Have you ever declared bankruptcy?

15 A No.

16 Q Has there ever been a judgment against  
17 you by anyone court?

18 A No.

19 Q Have you ever been convicted of a  
20 crime?

21 A No.

22 Q Have you ever been arrested?

23 A No.

24 Q Do you have a driver's license?

25 A Yes.

1 J. Panora

2 Q You are under oath right now; do you  
3 understand that?

4 A Yes.

5 Q So what was the oath you just took?

6 A To tell the truth.

7 Q Do you know what perjury means?

8 A No.

9 Q I will tell you.

10 Perjury is defined as a false swearing  
11 or lying while under oath; do you understand  
12 that?

13 A Yes.

14 Q Perjury is a felony in the State of  
15 New York; do you understand that?

16 A Okay, but I don't understand what is a  
17 felony here.

18 Q Happy to tell you.

19 A felony is a crime that is punishable  
20 by more than one year of imprisonment.

21 A I don't know what that can be.

22 Q Perjury is a felony and I just told  
23 you what a felony is.

24 Now do you understand what perjury is?

25 A Yes.

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J. Panora

Q You wouldn't lie to me today; right?

MR. SCHWEITZER: Note my objection.

You can answer.

A Yes.

Q You would lie to me or you wouldn't?

A No, you were saying that the lawyer  
was answering for me.

Q No, I am going to ask you the  
question. I will ask you the question again. Your  
lawyer has made an objection but he said you can  
answer it. So this time your lawyer is not going  
to object, it is the same question, and I will  
agree that the objection is still there.

So my question is would you lie to me  
today?

A No.

Q Do you know what an affidavit is?

A An affidavit, no, I don't know what  
that is.

Q No idea?

A Well I am not sure. Something that  
where you tell the truth in a letter, right?

Q Pretty close.

Have you seen an affidavit before?

1 J. Panora

2 A Like a letter, yes, I have seen that  
3 paper.

4 Q How many affidavits have you seen?

5 A I don't remember how many I have seen.

6 Q One, two?

7 A Possibly two or more, yes.

8 Q Have you seen ten?

9 A Throughout my whole life I don't know.  
10 I am not keeping tabs.

11 Q Do you know when you sign an affidavit  
12 you take the same oath you took today?

13 A Yes, I do it, yes.

14 Q If you write something in an affidavit  
15 that is false that can also be perjury; do you  
16 understand that?

17 A Yes.

18 Q You agree with me an affidavit is a  
19 very serious thing?

20 A Yes.

21 Q You have a lawyer; right?

22 A The one who is here giving me advice  
23 not today but yes.

24 Q Do you have any other lawyers right  
25 now?

1 J. Panora

2 A My immigration lawyer, yes.

3 Q Who is that?

4 A Tapia.

5 Q Tapia what?

6 A I don't remember his name.

7 Q Do you know where Tapia's office is?

8 A He is in Queens, based in Queens.

9 Q So is it fair to say you only have two  
10 lawyers right now, you have your immigration  
11 lawyer and the lawyer who is representing you  
12 today?

13 A Yes.

14 Q I don't want to talk about the  
15 immigration lawyer any more.

16 What I want to know is why did you get  
17 the lawyers you have today?

18 A For my case at work.

19 Q Why did you feel you needed a lawyer  
20 for a case at work?

21 A Because I don't know everything about  
22 the law and I didn't agree with some that is why  
23 I need a lawyer.

24 Because I don't know about law and  
25 that is why I needed a lawyer because I didn't

1 J. Panora

2 need to deal with some things but because I  
3 didn't know about law I needed a lawyer.

4 Q Why did you think you needed a lawyer?

5 A Because I don't know how to follow a  
6 case by myself.

7 Q What kind of case did you think you  
8 had?

9 A Compensation, workers' comp.

10 Q Do you mean did you get hurt on a job?

11 A No, the time that I had work overtime.

12 Q So you went to a lawyer because you  
13 had a question about overtime?

14 A Yes.

15 Q What was your question about overtime?

16 MR. SCHWEITZER: You don't have to  
17 answer that.

18 MR. SOLOMON: Yes, he does.

19 MR. SCHWEITZER: You have asked him  
20 about a communication a question he  
21 asked with his lawyer.

22 MR. SOLOMON: I will do it  
23 differently.

24 Q What about overtime did you hope your  
25 lawyer would answer?



1 J. Panora

2 A Compensation, to get a compensation  
3 because usually the shift is eight hours and I  
4 worked for more than eight hours.

5 MR. SCHWEITZER: Can we take our  
6 break now? It is three to 11.

7 MR. SOLOMON: Let me give him  
8 instructions. We will go off the  
9 record right now.

10 Mr. Panora, you can stay where you  
11 are. I am going to stay where I am.  
12 Everybody will go on mute so nobody  
13 will talk to Mr. Panora while Mr.  
14 Schweitzer is taking his phone call.

15 THE WITNESS: I don't know which  
16 button I need to touch so hopefully  
17 someone will show me.

18 INTERPRETER: I will show him a  
19 picture. You have to make sure it's  
20 crossed (the mic).

21 MR. SOLOMON: If everybody else mutes  
22 then he can be unmuted. That is fine.  
23 (Time noted: 10:57 to 10:45)

24 MR. SOLOMON: Aaron, at the beginning  
25 of the deposition you represented to

1 J. Panora  
2 me you needed a short break at 11:00  
3 to take a telephone conference with  
4 Judge Mann. I permitted that. You were  
5 gone for approximately 43 minutes.  
6 Give me the, just so I have a complete  
7 record, what case was it involved with  
8 respect to that phone call with Judge  
9 Mann?  
10 MR. SCHWEITZER: I apologize. It was  
11 Judge Parker. It was case number  
12 17-cv-816.  
13 MR. SOLOMON: Eastern District or  
14 Southern?  
15 MR. SCHWEITZER: Southern.  
16 MR. SOLOMON: After our 43 minute  
17 break it is now 11:46 a.m. we will be  
18 going back on the record.  
19 Q So Mr. Panora, you were talking about  
20 the fact you went to a lawyer because you have a  
21 questions about compensation; is that correct?  
22 A Yes.  
23 Q Did you feel like you were owed money?  
24 A Yes.  
25 Q How much money do you think my client

1 J. Panora

2 owes you?

3 A I didn't -- I don't know. I didn't  
4 make the math.

5 Q You have no idea how much money you  
6 want a court to award you?

7 A No, I don't have the exact sum.

8 Q I am not asking for an exact sum, do  
9 you have an approximate sum?

10 A No.

11 Q You just never thought about it?

12 A The amount, no.

13 Q How do you know you're owed any money  
14 at all?

15 A Well, when I met my lawyers I  
16 understood that if you are working more than  
17 eight hours then you should be making more for  
18 the hours after eight hours.

19 Q Is that something you knew before you  
20 came to your lawyer or only after?

21 A I heard that before but I never  
22 investigated.

23 Q Did you do any investigation to  
24 determine how much you think you might be owed?

25 A No, I have not.

1 J. Panora

2 Q So how do you know you are owed  
3 anything at all?

4 A Like I said before, I have worked for  
5 more than eight hours per day.

6 Q Why do you think you're owed money for  
7 working more than eight hours per day?

8 A Because it said that if you work eight  
9 hours you make X amount of money and every hour  
10 that you work after eight hours you should be  
11 paid differently.

12 Q That "it" said. I want to know what  
13 said?

14 A Well that is where you hear around  
15 even on TV there is some advertising that says  
16 like if you want to contact us because you work  
17 more than eight hours and have not been  
18 compensated you know.

19 Q Is everybody entitled to get more  
20 money for working more than eight hours?

21 A That I don't know.

22 Q Do you have any idea who is entitled  
23 to get more money for working more than eight  
24 hours and who is not?

25 A No.

1 J. Panora

2 Q Am I entitled to get more money if I  
3 work more than eight hours in a day?

4 A I cannot tell you that because I don't  
5 know how exactly it works for you.

6 Q How did you find your lawyers, not  
7 your immigration lawyer, the lawyers you have for  
8 your case that we are in now?

9 A I was reading the paper once.

10 Q Which paper?

11 A I assume the newspaper.

12 Q You tell me. What paper do you read?

13 A That is what I am saying. The name of  
14 the newspaper -- what is the name of the  
15 newspaper.

16 INTERPRETER: My mistake.

17 A The name of the newspaper is called El  
18 Diario.

19 Q You called the number I assume from  
20 the newspaper?

21 A Yes.

22 Q How many times between when you called  
23 the number and now have you spoken with your  
24 lawyer?

25 A How many times, several times.

1 J. Panora

2 Q More or less than five times?

3 A More.

4 Q Do you know who Mr. Troy is?

5 A Yes.

6 Q How many times have you spoken with  
7 Mr. Troy?

8 A Over the phone, four or more than  
9 four.

10 Q How long are those conversations when  
11 you have spoken to Mr. Troy?

12 A About five minutes.

13 Q When you speak with Mr. Troy do you  
14 speak in English or Spanish?

15 A In English.

16 Q And he can understand you?

17 A Yes.

18 MR. SCHWEITZER: Objection. Don't  
19 answer that.

20 MR. SOLOMON: He already did. Also  
21 not privileged.

22 MR. SCHWEITZER: It is not about  
23 privilege. It's about how he is  
24 testifying as to what somebody else  
25 understood.

1 J. Panora

2 MR. SOLOMON: Then he can answer. Then  
3 let's do something different shall we.

4 Q Could you understand Mr. Troy?

5 A Can you please repeat. You're breaking  
6 up.

7 Yes.

8 Q Did you ever meet with Mr. Troy in  
9 person?

10 A Yes.

11 Q How many times did you meet with him  
12 in person?

13 A Like twice.

14 Q When was the last time you met with  
15 him in person?

16 A I don't remember exactly.

17 Q It was not like this week or last  
18 week; right?

19 A No.

20 Q Do you know Mr. Schweitzer here?

21 A Yes, we have been in touch.

22 Q How many times?

23 A I think like two more or less.

24 Q In person or by phone?

25 A Over the phone.

1 J. Panora

2 Q When was the last time before today  
3 that you spoke with Mr. Schweitzer?

4 A Sunday.

5 Q How long was that conversation?

6 A On Sunday we had a video call. It  
7 lasted for around three hours. I don't remember  
8 exactly.

9 Q Prior to that video call when was the  
10 last time you spoke with Mr. Schweitzer?

11 A I think it was, I am not sure.

12 Q Is it possible that the last time you  
13 spoke to Mr. Schweitzer was more or less than six  
14 months ago?

15 A With this man that is here today?

16 Q Yes.

17 A I had spoke to some of them so I  
18 cannot tell you exactly everyone or with whom I  
19 communicated each time.

20 Q Well I am kind of curious, just  
21 besides Mr. Troy and Mr. Schweitzer who else at  
22 Mr. Troy's office have you communicated with that  
23 you can remember?

24 A I don't remember the name but there is  
25 another person that picks up the phone and calls



1 J. Panora

2 you back.

3 Q Is that person American, Caucasian,  
4 Hispanic?

5 A I don't think it is Hispanic but I  
6 don't know what kind of nationality this person  
7 is.

8 Q Would you ever speak with someone  
9 named Miss Lim?

10 A I don't remember names.

11 Q Just trying to refresh your  
12 recollection. So have you ever spoken with  
13 someone named Maggie Huang?

14 A Honestly I don't remember names.

15 Q Is there anything that would refresh  
16 your recollection?

17 A No.

18 Q So was anybody else on the video call  
19 with you and Mr. Schweitzer?

20 A On the video call, no, no.

21 Q Did you review any documents prior to  
22 today's deposition?

23 A Yes, I reviewed documents.

24 Q When did you review these documents?

25 A Between Monday and, well, I checked

1 J. Panora

2 the documents.

3 Q How much time did you spend reviewing  
4 documents before your deposition?

5 A I didn't have much time because I had  
6 to work.

7 Q Where do you currently work?

8 A I am working at a company that makes  
9 roofs.

10 Q How long have you been working there?

11 A Six, seven months.

12 Q How much do they pay you?

13 A Right now \$32 per hour.

14 Q Is it a union job or nonunion job?

15 A Union.

16 Q Which union?

17 A 241 Roofers.

18 Q Forgive me if I asked, what is the  
19 name of the company that you work for?

20 A The name of the company is Titan.

21 Q Do you know what their business  
22 address is or their location?

23 A It is a big company, they have several  
24 offices. There is one though that is in Albany.

25 Q Turning back to the documents you

1 J. Panora

2 reviewed prior to this deposition I just want to  
3 know what documents you reviewed?

4 A Well I reviewed my affidavit and  
5 basically pretty much that was it. I reviewed my  
6 affidavit.

7 Q One affidavit or more than one?

8 A I think I only reviewed one because I  
9 don't have that much time.

10 Q Do you know which affidavit you  
11 reviewed?

12 A No, I don't know which one exactly.

13 Q So other than your attorney did you  
14 discuss this deposition with anyone?

15 A No.

16 Q Other than your attorney have you or  
17 technically me have you discussed your lawsuit  
18 with anyone?

19 A As far as I remember, no.

20 Q What would help you remember?

21 A Nothing.

22 Q Nothing?

23 A No.

24 Q So do you know who Robert Dennis is?

25 A Yes, my former co-worker at work.

1 J. Panora

2 Q If he were to testify that you spoke  
3 about your lawsuit with him would he be lying?

4 A No, he called me to tell me that it  
5 was a lawsuit going on.

6 Q Did you not know there was a lawsuit  
7 going on?

8 A Yes, I know but he contacted me to  
9 tell me what he knew what he found out.

10 Q What did he find out?

11 A He told me that he wrote a letter for  
12 my boss but he didn't want to be either with him  
13 or with me.

14 Q Did he tell you anything else?

15 A I don't remember if he did or he  
16 didn't.

17 Q Is there anything that would help you  
18 remember?

19 A No.

20 Q It is fair to say you don't know?

21 A Regarding the case I don't remember  
22 that we had said anything else. Then you know it  
23 is a friendship. It was more like a friendship  
24 call.

25 Q I am not asking about any friendship

1 J. Panora

2 related communication. I am asking about any  
3 case related communications and I am asking other  
4 than the ones you testified today is it safe to  
5 say that there were none?

6 A Question, are we talking about all our  
7 communication all of our conversations since we  
8 met or are we talking about now?

9 Q You didn't file this case when you met  
10 Mr. Dennis; right?

11 A No.

12 Q I am not asking about all of your  
13 communication about Mr. Dennis all the times, I  
14 am only asking about communications you have had  
15 with Mr. Dennis regarding this case and I am  
16 asking have you told me about every single  
17 communication you have had with Mr. Dennis  
18 regarding this case?

19 A Yes, recently he called me and he told  
20 me that he wanted to meet in person to discuss  
21 the case. Not about the case. He didn't say the  
22 case. He wanted to talk to me and he wanted to  
23 meet in person so we met in Queens. Well we had a  
24 conversation like a friendly conversation, we  
25 spoke about real estate and he mentioned his

1 J. Panora

2 case. He told me about his case.

3 Q His case?

4 A My case.

5 Q So he told you about your case?

6 A Yes.

7 Q What did you say to him and what did  
8 he say to you about your case during that  
9 meeting?

10 A He asked me why I didn't accept the  
11 offer that the lawyers made. He told me that if  
12 you didn't accept this offer you will lose your  
13 case and you will have to pay for your lawyers.  
14 And this was a lot of the conversation that I had  
15 with him.

16 Q Did you know what offer he was talking  
17 about?

18 A Yes, he was talking about an offer  
19 that the lawyer made me and that is what he was  
20 talking about.

21 Q Do you know what the offer was?

22 A Yes, he was referring to an offer that  
23 was like \$30,000 something. I don't remember  
24 exactly how much.

25 Q Other than Robert Dennis is it your

1 J. Panora  
2 testimony under penalty of perjury that you have  
3 never spoken with anyone else other than your  
4 attorney about your case?

5 MR. SCHWEITZER: Mr. Solomon, before  
6 the answer is given please clarify  
7 that that question includes  
8 conversations with any other person  
9 who might have initiated with him.

10 MR. SOLOMON: What does that mean,  
11 Aaron?

12 MR. SCHWEITZER: Well when you say  
13 have you talked with somebody or have  
14 you spoken with somebody that  
15 sometimes gets interpreted as have you  
16 initiated a conversation.

17 MR. SOLOMON: I am sorry. Are you  
18 trying to restrict my question?

19 MR. SCHWEITZER: No, I am trying to  
20 broaden your question to make sure it  
21 gets asked.

22 Q Other than your attorneys or anyone  
23 working in your attorney's office have you ever  
24 had a discussion with any other person either  
25 initiated a discussion or somebody initiated a

1 J. Panora

2 discussion with you about your case other than  
3 Robert Dennis?

4 A I don't remember speaking about the  
5 case, no.

6 Q Is there anything that would refresh  
7 your recollection?

8 A I don't know. I don't think so.

9 Q If somebody else such as Deenora,  
10 Dagmora -- do you know who Dagmora is?

11 A Who?

12 Q Dagmora?

13 A Yes.

14 Q Who is she?

15 A A waitress that worked there.

16 Q If she were to testify that she spoke  
17 to you about the case would she be lying?

18 A Right now I don't remember speaking to  
19 her about the case.

20 Q There is nothing you could look at  
21 that would refresh your memory as to who you  
22 spoke to about your case and when?

23 A No.

24 Q What do you want to achieve with this  
25 case?



1 J. Panora

2 A Just compensation.

3 Q And again, you have no idea how much  
4 compensation you want?

5 A Well I don't have idea exactly of a  
6 number but my lawyers they do because they are  
7 the ones who are like managing this.

8 Q Do you know what a trial is?

9 A Yes.

10 Q What is a trial?

11 A That is where we are bringing up with  
12 my boss.

13 Q With the jury; right?

14 A Yes.

15 Q Do you know what a settlement is?

16 A Yes.

17 Q What is a settlement?

18 A Like if we reach an agreement amongst  
19 us.

20 Q An agreement as to what?

21 A Regarding the case.

22 Q Is that a monetary agreement?

23 A I think so.

24 Q Do you want a trial or do you want a  
25 settlement?

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J. Panora

MR. SCHWEITZER: Objection. You don't have to answer that.

MR. SOLOMON: What grounds, counsel? State the record for my 30(b)(2) motion. Let's do it.

MR. SCHWEITZER: You are asking him about his legal strategy.

MR. SOLOMON: I am not asking about his legal strategy at all.

MR. SCHWEITZER: That is exactly what you're doing. You're asking if he wants to go to trial or if he wants a settlement. That is a strategic question.

MR. SOLOMON: It's not a strategic question.

MR. SCHWEITZER: It's about gathering facts.

MR. SOLOMON: So let's make it a non strategic question.

Q Would you be interested in a settlement?

MR. SCHWEITZER: Objection. You don't have to answer that. This is not

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J. Panora

the forum to conduct a settlement  
negotiation.

MR. SOLOMON: I am not conducting a  
settlement negotiation, Aaron.

MR. SCHWEITZER: That is exactly what  
you are doing. You have asked him now  
if he is interested in a settlement.  
You're trying to negotiate with him.

MR. SOLOMON: Counsel, is that a  
direction not to answer?

MR. SCHWEITZER: There will be a  
direction not to answer, yes.

MR. SOLOMON: What are the grounds,  
counsel? No grounds?

MR. SCHWEITZER: This is not the forum  
to conduct a settlement negotiation.

MR. SOLOMON: It is a deposition. I  
can ask the question, right? You have  
no grounds for directing him not to  
answer, okay. So I am going to ask  
him.

Q Is a settlement something you are  
interested in?

MR. SCHWEITZER: Objection. Instruct

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J. Panora  
  
you not to answer.  
  
MR. SOLOMON: On what grounds,  
counselor?  
  
MR. SCHWEITZER: I have given you  
grounds.  
  
MR. SOLOMON: No, you have not, Aaron.  
Give me grounds.  
  
MR. SCHWEITZER: I have given you  
grounds.  
  
MR. SOLOMON: Come on. Tell me what  
the grounds are.  
  
MR. SCHWEITZER: The grounds are that  
this is not a negotiation. This is a  
deposition.  
  
MR. SOLOMON: I am not trying to enter  
into a negotiation with him. I am  
just asking him --  
  
MR. SCHWEITZER: You are just asking  
him if he is interested in a  
settlement. That is a negotiation.  
That is opening a negotiation. That is  
what a negotiation is.  
  
MR. SOLOMON: Alright. Is that  
something you fear, Aaron?

1 J. Panora

2 MR. SCHWEITZER: On the record at a  
3 deposition?

4 MR. SOLOMON: Yes. So that is  
5 something you are afraid of, not him.  
6 Understood.

7 MR. SCHWEITZER: On the record at a  
8 deposition? It is not appropriate at  
9 all.

10 MR. SOLOMON: It is entirely  
11 appropriate, my friend. So we will  
12 mark that and we will have him back  
13 and he is going to have to answer  
14 again and we are going to move for  
15 attorney fees, alright?

16 MR. SCHWEITZER: Feel free to try.

17 Q Mr. Panora, whose choice is it to go  
18 to trial or to settle?

19 A My lawyers will advise me on what is  
20 the best option.

21 Q So it is your choice?

22 A My lawyers would advise me of what is  
23 the best outcome for me.

24 MR. SOLOMON: Let's mark a document.

25 Let's pull it up. Let's do Exhibit 21.

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J. Panora

MR. POLETES: Would you like me to  
display that?

MR. SOLOMON: Yes, I would.

Q Mr. Panora, can you read this  
document?

A Yes.

MR. SOLOMON: Scroll down and show him  
the rest of the document, please.

Q Mr. Panora, I will represent to you  
that this is an Offer of Judgement; do you see  
that?

A Yes, I heard.

Q Have you seen this document before?

A Yes.

Q When did you see this document?

A I looked at this document. I am not  
sure about the date but I have seen this  
document.

Q How did you come to acquire this  
document?

A My lawyer sent me a copy, my former  
boss also texted me it was by text that he send  
me one. And my former boss also send me an e-mail  
with it.

1 J. Panora

2 Q Now the e-mail that you got from your  
3 former boss, the copy that you got from your  
4 lawyer did it all happen at around the same time?

5 A I am not a hundred percent sure but I  
6 have seen the papers.

7 Q I am just asking, and I want you to  
8 answer my question, I am not saying did they  
9 happen on the exact day but did they happen  
10 within the same week or two that you got it from  
11 your lawyer and you got it from your former boss?

12 A Yes.

13 Q Do you know were those two weeks in  
14 September or August?

15 A I don't remember.

16 Q It couldn't have been July or June;  
17 right?

18 A I don't think so.

19 Q I would like to scroll down on this  
20 document to the date at the bottom.

21 Do you see this document is dated July  
22 9?

23 A Yes.

24 Q I would like to show you a different  
25 document.

1 J. Panora

2 MR. SOLOMON: Let's pull up Exhibit 22  
3 please. Let's scroll down.

4 Q Have you seen what you are looking at,  
5 have you seen this letter before?

6 A I have seen some letters but I am not  
7 so sure which ones I have seen.

8 Q Let's scroll down.

9 You see another Offer of Judgement; do  
10 you see that?

11 A Yes.

12 Q Let's scroll down to the date.

13 Do you see the date on that Offer of  
14 Judgement is September 2, 2020?

15 A Yes.

16 Q Is it fair to say that this is the  
17 Offer of Judgement that you received from your  
18 former boss and from your lawyer?

19 A I think that I have seen this letter,  
20 yes, you know what, yes, I saw this letter, yes.

21 Q So let's go back to Exhibit 21.

22 Now we could agree that these two  
23 documents Exhibit 21 and Exhibit 22 were the same  
24 except for the date; correct?

25 A They look very much alike.



1 J. Panora

2 Q So you just testified that you saw the  
3 Offer of Judgement that was dated September 2,  
4 2020.

5 Is it fair to say you never saw Offer  
6 of Judgement dated July 9, 2020?

7 A I couldn't be a hundred percent sure  
8 because I look at papers but I am not sure.

9 Q What would make you sure?

10 A Both documents are similar so it's  
11 hard to remember which one I saw.

12 Q But your ex boss never sent you  
13 another Offer of Judgement; correct?

14 A My ex boss, no, he only sent it to me  
15 once.

16 Q And your lawyer, did your lawyer only  
17 send it to you once?

18 A I am not so sure because since I am  
19 far away sometimes I send them papers, sometimes  
20 they send me papers.

21 Q So it is your testimony that you don't  
22 know if you ever received an Offer of Judgement  
23 dated July 9, 2020?

24 A Truthfully it's like no, I don't  
25 remember.

1 J. Panora

2 Q Do you know what an Offer of Judgement  
3 is?

4 A No.

5 Q You have no idea?

6 A Well I am not so sure.

7 Q What does that mean?

8 A Are you asking me how the offer works?  
9 I am not sure.

10 Q For now I am asking you do you know  
11 what an Offer of Judgement is; yes or no?

12 A No.

13 Q Do you know what happens if you accept  
14 an Offer of Judgement?

15 A No.

16 Q No one has ever told you what happens  
17 if you accept an Offer of Judgement?

18 MR. SCHWEITZER: Objection. Don't  
19 answer that.

20 MR. SOLOMON: Why, Aaron?

21 MR. SCHWEITZER: Because it goes to  
22 attorney/client communication.

23 MR. SOLOMON: No, it doesn't.

24 MR. SCHWEITZER: If anyone was to  
25 tell him what an Offer of Judgement,

1 J. Panora  
2 what accepting an Offer of Judgement  
3 would do.  
4 Q Do you have any awareness at all --  
5 MR. SOLOMON: And by the way, Aaron,  
6 it is actually wrong.  
7 Q But do you have any awareness at all  
8 as to what happens if you would accept an Offer  
9 of Judgement, Mr. Panora?  
10 A No, I don't know what could happen.  
11 Q Do you have any awareness at all of  
12 what could happen if you do not accept an Offer  
13 of Judgement?  
14 A No.  
15 Q Did you want to accept this Offer of  
16 Judgement Exhibit 21?  
17 A I would have to consult with my  
18 lawyer.  
19 Q I am not asking whether or not what  
20 you would consult with your lawyer about.  
21 I want to know is this an Offer of  
22 Judgement that you rejected or accepted?  
23 A We did not accept it.  
24 Q Why not?  
25 MR. SCHWEITZER: Objection. Don't

1 J. Panora

2 answer that.

3 MR. SOLOMON: What grounds?

4 MR. SCHWEITZER: Attorney/client  
5 communication.

6 MR. SOLOMON: I am not asking about an  
7 attorney/client communication.

8 Q Without discussing any communication  
9 with your lawyer why did you not want to accept  
10 this Offer of Judgement?

11 A Because we believe it is too little  
12 even how much I have worked there.

13 Q You rejected this Offer of Judgement  
14 with no idea of what the consequences were?

15 A No, I don't know about the  
16 consequences.

17 Q Let's go to Exhibit 22.

18 So here is the second Offer of  
19 Judgement the one from September.

20 Did you want to accept or reject this  
21 Offer of Judgement?

22 A Can you please repeat.

23 Q Did you want to accept or reject this  
24 Offer of Judgement?

25 A My lawyer is the one who is going to

1 J. Panora

2 help me with that.

3 Q Whose decision is it?

4 A They will give me advice but at the  
5 end I will make the decision.

6 Q Did you ever get to a point of making  
7 a decision about accepting or rejecting this  
8 Offer of Judgement?

9 A I don't understand what you are asking  
10 me.

11 Q I am asking without commenting on  
12 advice that your lawyer gave you did you ever  
13 come to a conclusion about whether you would  
14 accept or reject this Offer of Judgement?

15 A I don't have an idea. That is why I  
16 am always consulting with my lawyer.

17 Q Do you think you have a good lawyer?

18 A Yes.

19 Q Why?

20 A Because I think he is a good lawyer.

21 Q Does Dee speak Spanish?

22 A No.

23 Q How about Armen, does Armen speak  
24 Spanish?

25 A No.

1 J. Panora

2 Q What is Armen's last name?

3 A Hakopian.

4 Q Can you spell it for the court  
5 reporter?

6 A I don't know the spelling because my  
7 English is not that good and I have no idea about  
8 the spelling.

9 Q If I were to call you Don Jose what  
10 does the word "Don" mean?

11 A Can you please repeat because I was  
12 frozen.

13 Q If I were to call you Don Jose what  
14 does the word "Don" mean?

15 A Yes, it is a respectful way to refer  
16 to another person. It's the way that we use to  
17 show respect.

18 Q Respect for what?

19 A It is a way of showing someone who has  
20 certain age it's a way of showing the person  
21 respect.

22 Q So if someone is the same age as  
23 somebody else they would not use the word "Don"  
24 to refer to each other; right?

25 A Well no, because it is a word that we

1 J. Panora  
2 use after we are a certain age to show respect in  
3 the treatment to somebody else.

4 Q What age?

5 A I don't think there is any certain age  
6 but we don't call "Don" when somebody is young.

7 Q And somebody who is older wouldn't  
8 call somebody who is younger "Don"; right?

9 A Yes, because if you reach certain age,  
10 yes.

11 Q Do you think it would be appropriate  
12 for me to call my boss "Don"?

13 A If he is not young and he is of  
14 certain age, yes.

15 Q Are you of that certain age that a  
16 younger person would call "Don"?

17 A Yes.

18 Q I would like to mark Exhibit 1.  
19 Before we get to the document just a  
20 couple of questions.

21 Mr. Panora, when you went to a lawyer  
22 you told me you were concerned about your  
23 compensation; is that correct?

24 A Yes.

25 Q You were not going to a lawyer about

1 J. Panora

2 anybody else's compensation; is that correct?

3 A I started with mine, yes.

4 Q I am drawing your attention to a  
5 document we marked Exhibit 1; do you see it?

6 A Yes.

7 Q Are you familiar with this document?

8 A Yes.

9 Q Have you seen it before?

10 A Yes.

11 Q Have you read it?

12 A Yes.

13 Q Is everything in this document true?

14 A Yes.

15 Q So did you start this Complaint to  
16 represent yourself or anybody else?

17 A This one, this specific?

18 Q Yes.

19 A Well I started this document also with  
20 the other guys that were working under the same  
21 conditions that I was.

22 Q Who are the other guys?

23 A Well Daniel, Robert, Jose used to work  
24 there, Angel, Alvaro, Carlos and Alex.

25 Q Where did all of those people work?



1 J. Panora

2 A They are line workers in the kitchen.

3 Q Do you understand what your  
4 obligations are with respect to the other people  
5 you seek to represent?

6 A No.

7 Q Do you understand that --  
8 Strike.

9 You make decisions in this case do you  
10 think for yourself?

11 A I don't understand the question.

12 Q You said you wanted to bring this case  
13 on behalf of other people. So I am asking you  
14 when you make decisions in this case are you  
15 making decisions for yourself or for anybody  
16 else?

17 A For myself and for the others.

18 Q What are your duties to the other  
19 people you seek to represent?

20 A Well it's not my duty but I feel bad  
21 when I feel the way that we are all treated.

22 Q You have no other duty to the other  
23 people you seek to represent in this case?

24 A Obligation, no, I don't have an  
25 obligation.

1 J. Panora

2 Q Do you know what a collective action  
3 is?

4 A No.

5 Q No idea?

6 A No.

7 Q Do you know what a class action is?

8 A No.

9 Q What is overtime?

10 A Overtime is after you work eight hours  
11 so after eight.

12 Q So if I work on a Monday ten hours and  
13 don't work any other day that week do I get two  
14 hours of overtime?

15 A In the job that I am now, yes.

16 Q So I am not asking about the job you  
17 were in. I am asking about the job you used to be  
18 in.

19 When you worked at the restaurant,  
20 let's say I worked at the restaurant with you.  
21 Let's say I worked on a Monday for ten hours and  
22 I didn't work work the rest of the week, is it  
23 your testimony that I should get two hours of  
24 overtime?

25 A Yes.

1 J. Panora

2 Q Do you know what spread of hours is?

3 A No.

4 Q No idea?

5 A No.

6 Q Do you know if you're asking for  
7 spread of hours in your case?

8 A No, I have no idea what is the  
9 significance of that.

10 Q And you read your Complaint; right?

11 A Yes.

12 Q Was there ever a problem with your pay  
13 stub when you worked at Deenora?

14 A I don't understand your question.

15 Q Did you receive a pay stub when you  
16 worked at Deenora?

17 A At the beginning there was a pay stub,  
18 then there was none and then starting in 2008 we  
19 started to receive a pay stub again.

20 Q I will ask you is there anything wrong  
21 with your pay stub?

22 A I am sorry. I didn't understand your  
23 question. Can you ask me again.

24 Q Did you ever complain that your pay  
25 stub was wrong?

1 J. Panora

2 A No.

3 Q Did you ever complain about not  
4 getting overtime?

5 A No.

6 Q Did you ever complain about spread of  
7 hours?

8 A Can you please ask me again. I don't  
9 understand.

10 Q I was wondering if you ever complained  
11 about not being paid for spread of hours?

12 A No.

13 Q When did you start working at can we  
14 call it Dee's?

15 Strike.

16 Mr. Panora, can you and I agree that  
17 when I use the word Dee's I am talking about  
18 Dee's Brick Oven Pizza?

19 A Yes.

20 Q Can you and I also agree that when I  
21 say the word Dee I am referring to Deeran  
22 Arabian?

23 A Yes.

24 Q Can we also agree that when I use the  
25 word Armen I am referring to Armen Hakopian?

1 J. Panora

2 A Yes.

3 Q When did you start working for Dee's?

4 A I worked for him like 25, 27 years  
5 ago.

6 Q Do you know what year you started?

7 A No, I am not really good in math to  
8 remember the year.

9 Q If I said you started in 1995 would  
10 that be correct?

11 A I don't know if that makes 26 years or  
12 if it doesn't.

13 Q I want to kind of agree on something,  
14 Mr. Panora.

15 Is it fair to say that when somebody  
16 remembers something their memory is always better  
17 closer in time to the thing that they're  
18 remembering?

19 MR. SCHWEITZER: Objection to the  
20 form. You may answer.

21 A Can you please ask me again.

22 Q Is it fair to say that people's  
23 memories fade over time?

24 A Yes.

25 Q So for example, it would be easier to

1 J. Panora

2 remember what you had for breakfast today  
3 tomorrow as opposed to a year from now?

4 A Yes, I will remember what I had for  
5 breakfast today and not what I had 20 years ago.

6 Q When was your last day at Dee's?

7 A In August.

8 Q August what, do you know?

9 A No, I don't remember the date. I do  
10 remember that it was a Sunday.

11 Q So we talked about earlier how you  
12 testified that everything in the Complaint was  
13 true and correct; do you remember that?

14 A Yes.

15 Q So I want you to read the first  
16 sentence of paragraph one. It is right on your  
17 screen.

18 A Where it is the introduction?

19 Q Yes, first sentence?

20 A "This action is brought by the  
21 plaintiff Jose Panora, on behalf of herself as  
22 well as other employees similarly situation,  
23 against the defendant for alleged violations of  
24 the fair labor standard".

25 Q You don't have to go further.

1 J. Panora

2 I want to know is there anything wrong  
3 about what you just read?

4 A No, I don't see what it could be  
5 wrong.

6 Q It says "on behalf of herself" and I  
7 don't want to make any presumptions about your  
8 gender identity but do you identify as a woman?

9 A No, that is a typo on the way that  
10 they wrote it.

11 Q It is not correct in the Complaint?

12 A If it says that I am a woman, no.

13 Q Go to paragraph seven.

14 A Do I have to read it allowed?

15 Q No, you can read it to yourself. Let  
16 me know when you're done.

17 A Yes, I have read it.

18 Q Is there anything wrong about  
19 paragraph seven?

20 A I cannot identify what is wrong with  
21 it.

22 Q No, not at all?

23 A No.

24 Q It says that you worked from 1995 to  
25 July 13, 2019. You previously told me everything

1 J. Panora

2 in the Complaint is true. Is that true?

3 A Yes, I think that what it says 2019  
4 it's wrong. There is a mistake there.

5 Q What should be correct there?

6 A Well I started working in 1995 for my  
7 boss and I finished working in August of 2019.

8 Q No idea when in August?

9 I will state it different.

10 You have no idea, is it fair to say  
11 you have no idea in August of 2019 exactly when  
12 you stopped working for Dee's?

13 A No, I don't have the exact date. I  
14 know that it was a Sunday but I don't know the  
15 number of the day.

16 Q Do you know if it was the beginning of  
17 August, the end of August?

18 A The end of August.

19 Q So the Complaint has it wrong here?

20 A Yes, but it is like now. I read it and  
21 I didn't realize I didn't I couldn't see what was  
22 wrong at first.

23 Q I thought you read it?

24 A Yes, I did but I didn't realize of the  
25 error.



1 J. Panora

2 Q How could you tell me everything in  
3 the Complaint is true if you didn't realize the  
4 error?

5 A Well because I tell the lawyers what  
6 happened and they put it in writing because I  
7 don't know how.

8 Q Right, and you testified earlier that  
9 you read what they put in writing in this  
10 Complaint?

11 A Yes, but I couldn't see the error. I  
12 couldn't realize about the error.

13 Q Why?

14 A I don't know why. Maybe because it's  
15 not my native tongue.

16 Q You testified under penalty of perjury  
17 that you can read English?

18 A Well like I was telling you, I can  
19 read but I cannot realize if there is a mistake.

20 Q You can't discern when a Complaint is  
21 talking about the dates you were employed whether  
22 or not those dates are accurate?

23 A Well that was an oversight on my end  
24 that I didn't realize this error.

25 Q Do you know what minimum wages are?

1 J. Panora

2 A Minimum wage, yes.

3 Q Are you suing for unpaid minimum  
4 wages?

5 A No.

6 Q So let's go to, and we will jump  
7 around in this Complaint for a little while, but  
8 let's go to page 13; do you see where it says  
9 Count 1?

10 A What do I do with this?

11 Q I want you to read it to yourself  
12 right under Count 1.

13 A Okay.

14 Q If you're not looking for minimum  
15 wages why does your Complaint talk about minimum  
16 wages?

17 A Well, it's what I had worked over  
18 eight hours.

19 Q I thought you told me that was  
20 overtime?

21 A Yes, but that is. That is it.

22 Q You are saying minimum wages and  
23 overtime are the same thing?

24 A No.

25 Q What is the difference between minimum

1 J. Panora

2 wage and overtime?

3 A Overtime is what they pay you for the  
4 extra hours that you work after working eight  
5 hours.

6 Q What are minimum wages?

7 A When you don't have experience you are  
8 paid minimum wage, the minimum.

9 Q Were you paid more than the minimum?

10 A Yes.

11 Q Why does your Complaint talk about  
12 minimum wages?

13 A Mine?

14 Q Yes.

15 A I don't know why it reads minimum  
16 wage. Maybe there is some sort of mistake on  
17 minimum wage.

18 Q There is a lot of mistakes in this  
19 Complaint?

20 MR. SCHWEITZER: Objection. You can  
21 answer.

22 A Yes, there is so many errors.

23 Q So when you were hired at Dee's who  
24 hired you?

25 A Dee hired me.

1 J. Panora

2 Q What about the job at Dee's?

3 A I don't understand.

4 Q How did you hear about a job at Dee's  
5 in 1995?

6 A I don't remember exactly how I found  
7 out about the place.

8 (Short break: 1:18 to 1:27)

9 Q Mr. Panora, during this little break  
10 we just had did you speak with anyone?

11 A No.

12 Q You didn't speak with your lawyer?

13 A No.

14 Q I figured I would try, you don't seem  
15 to have all the information you should have I  
16 will tell you a few things.

17 An Offer of Judgement is made pursuant  
18 to Federal Rule 68; do you know that?

19 A No.

20 Q I guess did you know that if you don't  
21 accept an Offer of Judgement, an Offer of  
22 Judgement has a number, and you go to trial and  
23 you don't beat the number in the offer you could  
24 have to pay the defendant's costs?

25 A No.

1 J. Panora

2 Q That is not something you knew?

3 A No.

4 Q I just want to be clear, costs and  
5 attorneys fees are different in this kind of  
6 case. Costs are things like the cost of the  
7 transcript for today's deposition. There are  
8 also other things; do you understand that?

9 A Okay.

10 Q There is a different rule did you know  
11 that there is a different rule that says that  
12 when we go to trial and if we win you lose you  
13 may have to pay our costs?

14 A No, I didn't know.

15 Q Again, the same thing just like I said  
16 before that costs are not attorneys fees, there  
17 are other things; do you understand?

18 A I didn't know.

19 Q All of this stuff you can look up  
20 online; did you know that?

21 A No.

22 Q An Offer of Judgement did you know it  
23 has a two week lifespan; did you know that?

24 A No, I didn't know.

25 Q So did you know that unless you accept

1 J. Panora

2 that Offer of Judgement within two weeks it's  
3 deemed withdrawn?

4 A No.

5 MR. SOLOMON: Let's pull up Exhibit  
6 29, shall we.

7 Q Earlier in this case you were asked to  
8 produce documents; do you recall that, Mr.  
9 Panora?

10 A Yes.

11 Q What I have in front of you is a  
12 response that your lawyer prepared to our  
13 document request; do you understand that?

14 A Yes.

15 Q Have you read it?

16 A I am checking it.

17 Q Have you seen it before?

18 A I don't remember.

19 Q You have no recollection of ever  
20 reviewing the document responses in your case?

21 A I don't remember.

22 Q Do you understand the importance of  
23 accurately responding to document requests?

24 A Yes.

25 Q And you understand the importance of

1 J. Panora

2 responding honestly and completely to document  
3 requests?

4 MR. SCHWEITZER: Objection. Object  
5 to relevance. Objection. You can  
6 answer.

7 A Yes.

8 Q Do you understand what could happen if  
9 you don't honestly or completely respond to  
10 document requests?

11 MR. SCHWEITZER: Objection. Object  
12 to relevance objection. He can answer.

13 Q What could happen if you do not  
14 honestly and completely respond to document  
15 requests?

16 A Yes.

17 Q What could happen?

18 A I can imagine that if I don't answer  
19 it's bad for me.

20 Q That is correct.

21 But there are several things a court  
22 can do. For example, did you know a court can  
23 more seriously can throw your case out, dismiss  
24 it?

25 A No, I didn't know that. I have not

1 J. Panora

2 been with my lawyer for them to give me advice.

3 Q Did you know that a court can also  
4 preclude you from entering certain evidence if  
5 you don't properly respond to these requests?

6 A No, I didn't know that.

7 Q Did you know that a court can even  
8 order like order monetary sanctions for failure  
9 to properly respond to discovery requests and  
10 those monetary sanctions can include attorneys  
11 fees for the other side; did you know that?

12 A No, I didn't know that.

13 Q So you know you're the plaintiff in  
14 this case; right?

15 A Yes.

16 Q I would like to show you before we  
17 talk about these responses an order that the  
18 court recently issued.

19 MR. SOLOMON: Can we go to number 28.

20 Q Did you know that the court issues  
21 order by e-mail?

22 A No, I didn't know.

23 Q I want you to take a look at this  
24 document. When you are done reading it let me  
25 know.



1 J. Panora

2 A From the beginning to the end or you  
3 want me to read some paragraph?

4 Q I would say you can start reading  
5 after Notice of Electronic Filing and he can stop  
6 reading right at the name Keith Gutstein.

7 A Which name?

8 Q At the bottom of the first page.

9 A Notice of electronic mail too?

10 Q Start at the top where it says Notice  
11 of Electronic Filing?

12 INTERPRETER: Counselor, it is the  
13 blue?

14 MR. SOLOMON: Yes, it is the blue.

15 A I read it.

16 Q So do you understand what this order  
17 says?

18 A It says I have to pay the other  
19 lawyers some fees.

20 Q That is correct.

21 A Correct.

22 Q Did you know that the court found that  
23 some of your, and I am summarizing a lot, but  
24 some of your discovery responses were not proper;  
25 did you know that?

1 J. Panora

2 A Which one the messages?

3 Q Yes.

4 A My lawyer told me yesterday.

5 Q So do you understand you will have to  
6 pay attorneys fees associated with the fact that  
7 we had to prepare a brief to the court?

8 A Yes.

9 Q Do you understand, I don't know how  
10 much money that is yet, that is up to the judge;  
11 do you understand that?

12 A Yes.

13 Q Do you understand I am bringing this  
14 up because I want to be sure that the discovery  
15 responses you have given in this case are  
16 accurate; do you understand that?

17 A Yes.

18 Q Let's go back to the prior exhibit.  
19 These are your responses to a request  
20 to produce documents; do you understand that?

21 A Where, one? Where do I read, number  
22 one?

23 Q The first page. Are you done?

24 A Yes.

25 Q How did you go about looking for

1 J. Panora

2 documents that are responsive to our requests?

3 How did you go about looking for documents to  
4 give to us in this case?

5 A The ones that I have at home.

6 Q Did you check your Facebook for any  
7 material responsive to our requests?

8 A No.

9 Q That is not something you did;  
10 correct?

11 A No, I didn't check anything on  
12 Facebook that I presented, no.

13 Q Did you check your cell phone for text  
14 messages and other information responsive to our  
15 requests?

16 A My phone, yes.

17 Q Do you have text messages between you  
18 and Armen on your phone?

19 A I didn't check. It is possible I do.

20 Q It is possible you do. You just didn't  
21 look; correct?

22 A Yes.

23 Q Do you have any text messages between  
24 you and Dee on your phone?

25 A Yes.

1 J. Panora

2 Q How many texts do you have between you  
3 and Dee on your phone?

4 A I have not checked.

5 Q Did you give all the text between you  
6 and Dee to your lawyer?

7 A I assume yes. Every one that I have  
8 where I seen my boss's name, yes. My former boss.

9 Q So it is your testimony that you gave  
10 all of the text messages you have between Dee and  
11 yourself to your attorney?

12 A When I saw my boss's name, yes.

13 Q We have been through a lot of -- do  
14 you know what the group chat is?

15 A No.

16 Q You don't know what the group chat is?

17 A No.

18 Q Let's take a look at Exhibit 5.

19 Have you seen this Exhibit before?

20 A Yes.

21 Q So it is called a Dee's Team Member  
22 Chat, does that refresh your recollection as to  
23 what I am talking about?

24 A Yes, that I remember. That is a  
25 message that he started as a group.

1 J. Panora

2 Q Do those messages which we got from  
3 your lawyer come from your phone or somebody  
4 else's?

5 A That comes from my phone.

6 Q I want to scroll to the top. See how  
7 it starts with Dolores?

8 A Yes.

9 Q Are there more messages above Dolores?

10 A I assume yes but they took me off from  
11 this application from this cook messages so I  
12 don't know.

13 Q When did they take you off?

14 A After I left my job. I am not sure  
15 about the date.

16 Q What application did you use?

17 A I don't remember the application that  
18 my boss uses. He gives you the option when he  
19 sends the message to get on the message and the  
20 ap so I don't know.

21 Q I want to scroll down a little bit.  
22 Stop.

23 Can you see that schedule there and  
24 Armen's message?

25 A Yes.

1 J. Panora

2 Q Do you see the name Jose P is  
3 completely blocked out; correct?

4 A Yes.

5 Q Do you see at the top of the schedule  
6 you see the dates there, can you?

7 A No, I can't see the dates.

8 Q You can't see that it is 27 August, 28  
9 August, 29 August, 30 August, 31 August and the 1  
10 September in the schedule?

11 A Yes.

12 Q So is it fair to say that this first  
13 page of messages is from after you left?

14 A Yes.

15 Q Let's go to the second page.

16 You see how the second page at the top  
17 says October 19, 2019?

18 A Yes, I see it.

19 Q That is definitely after you left  
20 Dee's; correct?

21 A Yes.

22 Q Pull down to the next page.

23 With this page do you have any idea  
24 when those messages are from?

25 A I don't understand the question.

1 J. Panora

2 Q Do you know what date these messages  
3 occurred on?

4 A No, I didn't see.

5 Q It is fair to say Armen would know;  
6 right?

7 A Yes.

8 Q If we scroll down we are on the next  
9 page is the last page and I don't know if this is  
10 page, I can't tell what page number it is, it is  
11 document production 377 and these are also dated  
12 October 24, 2019; do you see that?

13 A Yes.

14 Q Is it fair to say messages we have  
15 seen in this exhibit bearing document production  
16 number 374 to 377 contain messages that are dated  
17 after your employment ended?

18 A Yes.

19 Q If I told you the name of the  
20 application used to facilitate the chats of these  
21 was Group Meet does that refresh your  
22 recollection?

23 A Group Meet.

24 Q The application Group Meet on your  
25 phone?

1 J. Panora

2 A Group Meet, yes, possible that is the  
3 name of this ap. If I have it?

4 Q Yes.

5 A No, I don't have it on my phone.

6 Q What happened?

7 A Well they block me and then I lost my  
8 phone and after losing my phone my new phone I  
9 didn't download the application so I don't have  
10 this application in my new phone. Also that was  
11 no need because they blocked me.

12 Q So when did they block you?

13 A Because I was no longer a Dee's  
14 worker. I can imagine that that is why.

15 Q When did you access these messages to  
16 give to your lawyer?

17 A I don't remember.

18 Q Also after you left Dee's?

19 A Yes.

20 Q These messages are dated after you  
21 left Dee's; right?

22 A Yes.

23 Q When did you first meet your lawyer?

24 A I don't remember.

25 Q Was it in 2020 or 2019?



1 J. Panora

2 A I think it was in 2019.

3 Q We have only seen a few pages in these  
4 messages; is that fair to say?

5 We have only seen a few pages of these  
6 messages; is that fair to say?

7 A I can imagine yes.

8 Q Did you give your lawyer more?

9 A I couldn't tell you.

10 Q Do you know if there were more?

11 A I don't remember.

12 Q Well these messages are important;  
13 right?

14 A I can imagine that yes.

15 Q And you had access to them after you  
16 met Dee's because there are messages here from  
17 October; right?

18 A I didn't met my boss.

19 Q No, I am saying you still had access  
20 to these messages even though you left Dee's; is  
21 that correct?

22 A Well yes, that is why I have a chance  
23 to see it.

24 Q You knew when you left Dee's that you  
25 were intending on filing a lawsuit; isn't that

1 J. Panora

2 correct?

3 A No, I didn't have any intention to do  
4 it.

5 Q When did you determine that you had an  
6 intention of reaching out to a lawyer?

7 A About three months went by and it's  
8 when I decided to go see a lawyer.

9 Q So if you left in August that is  
10 September, October, November; is that correct?

11 A I can imagine, yes.

12 Q What steps did you take to preserve  
13 all of these messages?

14 What steps did you take to preserve  
15 all of the Dee's Team Member Chat messages  
16 knowing that you were going to a lawyer to  
17 possibly start a lawsuit?

18 A I don't remember taking any steps.

19 Q You took no steps to preserve evidence  
20 that you argued is helpful to your case?

21 A No.

22 Q And you have taken no steps to  
23 preserve this kind of evidence even if it could  
24 be harmful to your case?

25 A No.

1 J. Panora

2 Q We have had a lot of discussion with  
3 the court about the text with Danny; are you  
4 aware of that?

5 A About these message?

6 Q No, about your text messages with  
7 Danny Perez.

8 A No.

9 Q Did you text any employee at Dee's or  
10 did any employee at Dee's text you during your  
11 employment?

12 A Yes.

13 Q Which employees of Dee's would text  
14 you?

15 A I have messages with Robert, maybe  
16 Daniel as far as I remember them.

17 Q Daniel is Daniel Perez?

18 A Yes.

19 Q Do you text with Robert about work?

20 A No, we spoke as friends.

21 Q It is your testimony under penalty of  
22 perjury that you had no text message  
23 conversations with any employee other than Danny  
24 Perez and Robert Dennis?

25 A Yes, as far as I remember these are

1 J. Panora  
2 the only two that I had text that I texted with.

3 Q Did you communicate with in an  
4 electronic way other than text message --

5 Did you communicate in an electronic  
6 way other than text messages with any other  
7 employee at Dee's?

8 MR. SCHWEITZER: Time period?

9 Q You can answer the question.

10 A No, as far as I remember.

11 Q Never?

12 A No, I don't remember.

13 Q If somebody else were to testify that  
14 you had those kinds of communication they would  
15 be not be lying?

16 INTERPRETER: They would be or would  
17 not be lying?

18 MR. SOLOMON: Would not be.

19 MR. SCHWEITZER: Objection to the  
20 form. You can answer if you know.

21 A I didn't hear you.

22 Q If somebody else were to testify  
23 another employee, if another employee were to  
24 testify that they communicated with you in an  
25 electronic fashion in any other way would that

1 J. Panora

2 employee be lying?

3 MR. SCHWEITZER: Objection. You can  
4 answer if you know.

5 A As far as I remember I didn't  
6 communicate with anybody else so I think so.

7 Q I want you to take out your cell phone  
8 again.

9 A Okay.

10 Q I want you to look for the text  
11 message chain with Dee.

12 A Okay, Dee.

13 Q I want you to scroll all the way to  
14 the top of that text message chain.

15 A With my boss Dee?

16 Q Yes.  
17 What is the date of the first text  
18 message?

19 A January 5, 2018.

20 Q Is it your testimony that you gave all  
21 of the text messages with Dee to your lawyer?

22 A Can you rephrase the question please.

23 Q Did you give all of the text between  
24 you and Dee to your lawyer?

25 A I don't think I gave him all the

1 J. Panora

2 messages because I didn't think that that was  
3 important.

4 Q So you withheld text messages because  
5 you thought they were not important; is that your  
6 testimony?

7 A Yes.

8 Q How did you determine what was  
9 important and what wasn't?

10 With respect to the text message with  
11 Dee how did you determine what was important and  
12 what was not?

13 A Well in reality I chosen some, a few  
14 messages, because there were so many with my  
15 boss.

16 Q How did you choose the ones you chose?

17 A Like for example the ones where he  
18 gives me the order and/or the things that I have  
19 to do.

20 Q Your production of text messages were  
21 selective?

22 A Because I didn't think that I had to  
23 give them all of them.

24 Q Didn't you read our discovery  
25 requests?

1 J. Panora

2 A Possibly no.

3 Q Were you made aware that we had  
4 requested production of all communications  
5 between you and the defendant?

6 A I gave based on what my lawyers asked  
7 me and I thought that that was it.

8 Q It was not -- I am sorry because I am  
9 a little confused, you just testified that you  
10 decided what was important or not and now you're  
11 saying your lawyers told you what you should and  
12 shouldn't give?

13 MR. SCHWEITZER: Objection. That is  
14 not what he said. You can answer.

15 MR. SOLOMON: I will rephrase it. I  
16 will rephrase it.

17 Q Take out your phone again. Are there  
18 texts with Armen?

19 A I don't have it. Oh, I have messages.

20 Q What is the date of the first message  
21 you have with Armen, scroll all the way up?

22 A The chain, okay.

23 INTERPRETER: I will use another word  
24 because it was confusing to the  
25 witness. May the interpreter repeat

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J. Panora

the question with a different word?

MR. SOLOMON: Yes, but what is he asking?

INTERPRETER: The interpreter used word "chain of messages" and he is asking if it is the chain of group message.

MR. SOLOMON: Let's start with the text just between him and Armen.

A February 22, 2018.

Q You said there was a group message where you and Armen were part of the chain; is that correct?

A Yes.

Q Who else was part of that chain?

A My boss Armen, myself, I think Teresa.

Q I want you to take out your phone, go into that group message that you just described, scroll all the way to the top and tell me the date of the first message?

A December 16, 2017.

MR. SOLOMON: Alright, Aaron, you know I don't want to have to go to the court again about this kind of stuff



1 J. Panora

2 so I want all of these messages by  
3 Monday.

4 MR. SCHWEITZER: Put the request in  
5 writing.

6 MR. SOLOMON: I already did, man.  
7 Your client failed to respond to it.  
8 So I will send you an e-mail today but  
9 I want them all by Monday. There has  
10 already been sanctions once for this  
11 kind of stuff.

12 MR. SCHWEITZER: Take it under  
13 advisement.

14 MR. SOLOMON: Yes, it is absurd.

15 Q So let's talk about Dee's restaurant.  
16 Let's talk about Dee's restaurant in the past six  
17 years; does that make sense?

18 A Okay.

19 Q How many tables did the restaurant  
20 have?

21 A I have no idea how many tables.

22 Q You worked at that restaurant for 25  
23 years; correct?

24 A Yes.

25 Q You have no idea how many tables are

1 J. Panora

2 in the restaurant?

3 A No, because I didn't go to the room to  
4 the main room. I went to the dining room but my  
5 job was not in the dining room, my job was in the  
6 kitchen.

7 Q So the dining room and the kitchen are  
8 separate; is that correct?

9 A Yes.

10 Q Have you ever heard the term "front of  
11 the house"?

12 A Yes.

13 Q What is the "front of the house"?

14 A The front part of the restaurant.

15 Q Who works in the front part of the  
16 restaurant?

17 A Waiters and waitresses, bus boys, the  
18 pizza man, the Manager also is outside.

19 Q So there is a Manager for the "front  
20 of the house"; right?

21 A No, he operates the whole restaurant.

22 Q What is the "back of the house"?

23 A What is called the kitchen.

24 Q Who works in the kitchen?

25 A The cooks.

1 J. Panora

2 Q Are there different job titles of the  
3 people in the kitchen?

4 A The cooks that work saute, fire,  
5 grill, salads and the dishwashers.

6 Q What was your job when you started at  
7 Dee's?

8 A Well 25, 26 years ago I started as a  
9 dishwasher.

10 Q What did you do as a dishwasher?

11 A Washed the dishes, clean, close the  
12 restaurant.

13 Q What were your job duties --  
14 Strike.

15 Were you ever promoted from the  
16 dishwasher?

17 A Yes, I learned and I work on the salad  
18 station and I rotated through many different  
19 stations in the kitchen.

20 Q So the salad station is higher than  
21 the dishwasher station; is that correct?

22 (Short break: 2:25 to 2:28)

23 MR. SOLOMON: I will withdraw the  
24 question and rephrase.

25 Q Is the salad position more important

1 J. Panora

2 than the dishwasher?

3 A Yes.

4 Q What is more important than the salad  
5 position?

6 A The line cooks.

7 Q Who are the line cooks?

8 A Robert, Daniel, Paul, Angel, myself  
9 and Alvaro. I didn't say Paul. Can I repeat the  
10 names? Roberto, Daniel, Angel, Alvaro and  
11 myself.

12 Q The last six years of your employment  
13 at Dee's what was your job title?

14 A It was the same. I was a line cook, I  
15 did the prep and I had to serve the food to the  
16 people.

17 Q So were you a chef?

18 A The chef is my boss who went to  
19 culinary school and has a diploma. I am just a  
20 line cook.

21 Q Your boss who went to culinary school  
22 with the diploma who is that, Dee?

23 A Dee.

24 Q Your testimony is that Dee works in  
25 the kitchen?

1 J. Panora

2 A No, he does not work in the kitchen.  
3 He gives the order of the things that are needed  
4 in the kitchen.

5 Q Have you ever referred to yourself as  
6 a chef?

7 A I always considered myself a cook  
8 although my boss told me the contrary.

9 Q Oh, so you have never called yourself  
10 a chef, is that your testimony under penalty of  
11 perjury?

12 A Well we call it chef and line cooks  
13 because that is how my boss called me.

14 Q So your boss called you a chef;  
15 correct?

16 A Yes.

17 Q He called you called everybody else in  
18 the line line cooks; right?

19 A I am a line cook as the others. I am a  
20 line cook as the others.

21 Q Are you paid the same amount as the  
22 others the other line cooks?

23 A No.

24 Q Do you make a lot more than the other  
25 line cooks? Do you make more money than the

1 J. Panora

2 other line cooks?

3 A Yes.

4 Q How much more?

5 A I made \$1,400 per week.

6 Q Same amount of money every week?

7 A Yes.

8 Q Was your salary ever a little less?

9 A My pay is before or just week by week?

10 Q Three years before?

11 A Yes, it was.

12 Q How much did the other line cooks

13 make?

14 A Based on what Daniel told me he made

15 \$800.

16 Q If Daniel said he made \$18 an hour

17 would he be lying?

18 A I don't know. This is what he told me.

19 Q Who else was on the -- the other

20 employees in the kitchen how much did they make?

21 A I remember that Carlos told me that he

22 makes \$16.

23 Q Why do you make so much more than the

24 other people in the kitchen?

25 A Because I have been working for longer

1 J. Panora

2 with my boss and once in a while he raise my  
3 salary.

4 Q Again is your testimony under penalty  
5 of perjury you have never called yourself a chef?

6 A I am trying to remember but like I  
7 told you I was a line chef line cook but the chef  
8 was my boss.

9 Q Let's see if we can help. Let's go to  
10 Exhibit 1. Go to paragraph ten.

11 So paragraph ten seems to say that  
12 before 2001 you were promoted to the position of  
13 chef; is that correct?

14 A No, the line cook.

15 Q So your Complaint is wrong, is that  
16 what you're trying to say?

17 A I don't see where it says that.

18 Q I thought you could read English.  
19 Look at paragraph ten. I will read it to you,  
20 "soon after, before 2001, plaintiff Jose Panora  
21 was promoted as a chef"; true?

22 A Chef line cook.

23 Q It doesn't say line cook there?

24 A Well that is missing that part.

25 Q It is missing.

1 J. Panora

2 Do you know why it was missing?

3 Tell you what. Let's go to Exhibit

4 25. Now I want you to look at this document. Do  
5 you see it says the word affidavit?

6 A Yes.

7 Q Let's go all the way to the end. Is  
8 that your signature right there?

9 A Yes.

10 Q Let's go back to the top.

11 So did you read this affidavit?

12 A Yes.

13 Q Every word of it?

14 A I read it but I don't know.

15 Q You don't know what?

16 A Well I read this document but I don't  
17 know what is wrong with this.

18 Q You swore when you signed that  
19 everything in this affidavit was true and  
20 correct; did you not?

21 A As far as I understood, yes.

22 Q Your own job is within your own  
23 understanding; is it not?

24 A Well but that is when my lawyers come  
25 in handy to fix the errors the mistakes that I



1 J. Panora

2 could make.

3 Q So did you read this affidavit before  
4 you signed it?

5 A Yes.

6 Q If something was wrong because you  
7 don't want to tell a lie right you would have  
8 told your lawyer to fix it before you signed it;  
9 correct?

10 MR. SCHWEITZER: Objection. You can  
11 answer. Yes.

12 Q So let's go to paragraph six. In  
13 paragraph says, "soon after, before 2001, I was  
14 promoted as a chef"; do you see that in your own  
15 affidavit that you swore as true?

16 A Yes, what it is missing there is like  
17 line cook chef.

18 Q It is missing line cook chef. In an  
19 affidavit you read and signed and had the  
20 opportunity to correct and swore it was true?

21 A Yes, but I didn't realize that.

22 Q You didn't realize that part.

23 So my question is are you lying in  
24 this affidavit or are you lying today?

25 MR. SCHWEITZER: Objection.

1 J. Panora

2 A I didn't lie the day that I signed my  
3 affidavit and I am not lying today. It is just I  
4 didn't realize about the little omission on this  
5 affidavit.

6 Q But you read it so how could you have  
7 missed it?

8 It is your testimony under penalty of  
9 perjury which is a felony as we discussed that  
10 you were not promoted as a chef despite what your  
11 Complaint says and what your affidavit says?

12 A Yes, I was promoted but it is not  
13 chef. It is chef line cook.

14 Q Is there a difference between chef  
15 line cook and just a line cook?

16 A For me, yes. So yes, but for me a chef  
17 is somebody that went to school and has a  
18 diploma. I learned on the job.

19 Q Yet in your Complaint you call  
20 yourself a chef and in an affidavit from March  
21 you called yourself a chef, twice. And let's go  
22 to --

23 A Well like I said before, I was a cook,  
24 my boss called me a chef and that is what stuck  
25 to my mind.

1 J. Panora

2 Q So are you again saying you never  
3 called yourself a chef under penalty of perjury?

4 A As far as I remember, no.

5 Q So I just shown you a Complaint, an  
6 affidavit that says you as a chef, I Jose Panora  
7 was a chef.

8 Let's go to Exhibit 26. Here is  
9 another affidavit that you gave; do you see that?

10 A Yes.

11 Q Let's go all the way to the bottom  
12 please. Is that your signature, sir?

13 A Yes.

14 Q You signed that on August 8, no,  
15 August 4, 2020.

16 A Yes.

17 Q Let's go all the way to paragraph  
18 three and there again, by the way, did you read  
19 this affidavit?

20 A Yes.

21 Q Every page of it?

22 A Yes.

23 Q Every word of it?

24 A Well I read everything but sometimes  
25 what happens is not my native tongue so I can

1 J. Panora

2 make mistakes.

3 Q So let's look at page one.

4 Is there any word on page one that you  
5 cannot understand? Take your time.

6 A I understand what it says here.

7 Q You understand every word on that  
8 page, page one of your affidavit in front of you;  
9 correct?

10 A Yes.

11 Q You read this affidavit as you just  
12 testified; is that correct?

13 A Yes.

14 Q You understand every word on this page  
15 of your affidavit; is that correct?

16 A Well as far as I could see this page I  
17 understand everything, yes.

18 Q When you signed this affidavit you  
19 swore that every word on this page was true; did  
20 you not?

21 A Yes.

22 Q And right at the bottom of this page  
23 it contains the phrase "between 13 and 15 years  
24 ago I was promoted as a chef"; do you see that,  
25 sir?

1 J. Panora

2 A Yes, but it is wrong. The part should  
3 say line cook. Chef line cook.

4 Q It should read chef line cook?

5 A Chef line cook, that is what I was.  
6 Line cook chef.

7 Q The affidavit you read, understood and  
8 then executed and swore to was somehow wrong?

9 A Well there is a missing word there. It  
10 doesn't read line cook.

11 Q So the Complaint that you read said  
12 you're promoted as a chef, the first affidavit we  
13 saw said you're promoted as a chef and now we see  
14 a third affidavit we see you were promoted as a  
15 chef and yet somehow all of these document that  
16 you testified, that you read, that you testified  
17 that you understood, that you testified that you  
18 swore to were all wrong?

19 A No, the only part that is wrong is the  
20 word that is missing line cook chef.

21 Q Are all the other cooks on the line  
22 there chefs too?

23 A We are cooks. We are chefs because we  
24 cook there.

25 Q And chef is not a position that you're

1 J. Panora

2 promoted from from the saute which we described  
3 as a line position, right. So every time you  
4 said that you have been promoted saute you have  
5 also been somewhat incorrect in your sworn  
6 documents; is that correct?

7 MR. SCHWEITZER: Objection to the  
8 form. You can answer.

9 A I don't understand. I couldn't hear  
10 the interpreter. Can I have a repetition.

11 INTERPRETER: Do you want me to do it  
12 or do you have it?

13 (Whereby, the requested portion was  
14 read back by the reporter.)

15 Q This affidavit in front of us you  
16 swear as true that you were promoted from the  
17 saute position to the chef position?

18 A I am saying that I am a saute chef.  
19 (Discussion off the record.)

20 Q So your testimony today despite all of  
21 the sworn documents we looked at and the judicial  
22 admissions in the Complaint is that you were a  
23 chef/line cook is that what you're testifying to?

24 A Yes.

25 Q We talked about the different

1 J. Panora

2 positions in the kitchen, you said saute, fryer,  
3 grill, salad and dishwasher; right?

4 A Yes.

5 Q How many dishwashers worked in the  
6 kitchen?

7 A On weekdays, three.

8 Q On weekends?

9 A I think we had three dishwashers, I  
10 don't remember exactly two or three.

11 Q How many salad people worked in the  
12 kitchen?

13 A One.

14 Q How many grill people worked in the  
15 kitchen?

16 A In general one.

17 Q How many fryer people worked in the  
18 kitchen?

19 A The fryer one person.

20 Q How many saute people worked in the  
21 kitchen?

22 A Two.

23 Q It is fair to say within the past six  
24 years of your employment there were always more  
25 than two people working in the kitchen at any

1 J. Panora

2 given time besides you?

3 A The whole kitchen?

4 Q Yes.

5 A Yes, more than two people.

6 Q The hierarchy of positions for  
7 dishwasher is at the bottom, then the salad and  
8 then what?

9 A And then comes the line, the line  
10 cooks, the saute, the grill station and the  
11 fryers. So the fryers is in the middle of the  
12 grilling and sauteing.

13 Q All of these employees in the kitchen  
14 what language did they speak?

15 A Well, Spanish, Roberto spoke English,  
16 lately the dishwashers spoke English they were  
17 not Hispanic.

18 Q Is it fair to say that other than the  
19 new dishwashers and Robert nobody spoke English  
20 in the kitchen; right?

21 A We spoke Spanish but also Daniel was  
22 another person that understood English.

23 Q Daniel understood English?

24 A Yes, Daniel understood English.

25 Q When did these new dishwashers who



1 J. Panora

2 were not Hispanic start working?

3 A Like three or four years ago.

4 Q What are their names?

5 A I don't remember all of them. I gonna  
6 try to tell you the ones that I do remember.  
7 Derrick, Lacmore, Abraham.

8 Q What did you do in the kitchen?

9 A During the day I prepped, in the  
10 afternoon for the night service I saute and there  
11 were days that I did inventory and after the  
12 inventory I order the things that were needed in  
13 the restaurant. And sometimes I did the  
14 expediting because it was really busy and  
15 somebody had to do the expediting.

16 Q What does the expediting mean?

17 A My boss after 2018 put me in this  
18 position where I have to call the orders that the  
19 waitress and waiters placed.

20 Q Were your duties always the same as a  
21 line cook/chef?

22 A Yes, I had to prep, except on Fridays  
23 and Saturdays when I was expediting the orders.

24 Q My question was this, you didn't  
25 really answer it.

1 J. Panora

2 For all of the years since you became  
3 the position you are now creating line cook chef  
4 have your duties --

5 MR. SCHWEITZER: Objection to the  
6 form.

7 Q Have the duties been the same for all  
8 of the years you have held the position that  
9 you're describing today?

10 A Yes, since I started cooking I always  
11 did the same. Preparation, saute for the service  
12 at night and on Fridays and Saturdays I do the  
13 expediting of the orders.

14 Q It is very important for the  
15 restaurant food is cooked properly; correct?

16 A Yes.

17 Q Do you think that the proper  
18 preparation of food is a very important part of  
19 the restaurant business?

20 A Yes.

21 Q How do you determine if a dish is  
22 prepared correctly?

23 A Well first I prepare a sauce, then the  
24 kitchen broth and then the people who have more  
25 experience working there that had knowledge of

1 J. Panora

2 the base that the dish should have the rest of  
3 the prep.

4 Q Who would determine in the kitchen  
5 that a dish is prepared the way it should be?

6 A When our boss taught us the way to  
7 prep and to serve and each one of us knows the  
8 right way to do it.

9 Q What if one of you prepared a dish the  
10 wrong way what would happen?

11 A Well so either my boss or Armen would  
12 come and ask who prepared this dish, it is not  
13 correctly done.

14 Q Who would they ask?

15 A Well when they came in they already  
16 knew who had prepared the dish so they came in  
17 and --

18 INTERPRETER: I need a clarification.

19 A Let me explain it to you then. If a  
20 dish went out, a customer was not happy and  
21 complained, my boss or Armen they knew if it was  
22 coming from the fire, the grill or the saute  
23 station.

24 Q How would they know which station it  
25 came from?

1 J. Panora

2 A If it was a meat most likely it came  
3 from the grill, if it was a fried food came from  
4 the fryer, if it was saute Robert and myself work  
5 on that station.

6 Q Who would they come to when -- who  
7 would Dee or Armen come to when they had a  
8 problem with a dish from a customer in the  
9 kitchen who would they talk to?

10 A To the person who had prepared.

11 Q I thought Dee and Armen don't speak  
12 Spanish?

13 A But there they speak English so more  
14 or less you understand.

15 Q I don't understand that.

16 You testified that Dee and Armen speak  
17 English and then you testified the only person  
18 cooking on the line who spoke English was Robert.

19 My question to you, sir, is who did  
20 they come speak to in the kitchen under penalty  
21 of perjury what is your answer?

22 MR. SCHWEITZER: Objection to the  
23 form. You can answer.

24 A I told you that also Daniel spoke  
25 English.

1 J. Panora

2 Q That is only two people.

3 How would Dee and Armen communicate  
4 with people who do not speak their language in  
5 the kitchen when they bring a food order back  
6 because there is a customer complaint?

7 A It was a very basic English. The  
8 others were not fluent in English but the basic  
9 stuff like about their job in English they  
10 understood the basics.

11 Q Under penalty of perjury your  
12 testimony is that you were not the person that  
13 Dee and Armen would come to; is that correct?

14 A Once in a while they told me but most  
15 of the time they were directed to the person who  
16 had prepared the dish.

17 Q When they would tell you what would  
18 you do?

19 A Because of my seniority I knew how the  
20 dishes had to be prepared so I would go over and  
21 help them to understand and to prepare the dish  
22 properly.

23 Q So you would go and teach the other  
24 person who made the mistake how to do it  
25 correctly?

1 J. Panora

2 A Sometimes, yes, but we were very busy  
3 and there was -- but if we were very busy then  
4 there was no time to teach them to correct it.

5 Q What would happen to the dish if there  
6 was no time to teach somebody to correct it?

7 A In general when a customer sends back  
8 a dish they change the order. Or they would ask  
9 to be prepared again the right way.

10 Q If the customer changes the order who  
11 tells the kitchen staff to make a different dish?

12 A Armen or my boss they come into the  
13 kitchen and they tell what to make.

14 Q Who do they tell?

15 A Well depending on the dish that they  
16 want. If it's a grill the grill people, if it's a  
17 saute then the saute station.

18 Q What happens if a dish is going to  
19 leave the kitchen but it is not cooked correctly?

20 A In general we don't realize that it is  
21 like served to the customer, the person complains  
22 and it's sent back.

23 Q So you have never been in a situation  
24 in all of your years working at Dee's where you  
25 noticed a dish was cooked wrong but was not yet

1 J. Panora

2 delivered, that has never occurred?

3 A As far as I remember, yes, but I don't  
4 remember exactly.

5 Q What would you do if you saw a dish  
6 that was cooked wrong and it was heading out of  
7 the kitchen?

8 MR. SCHWEITZER: Calls for  
9 speculation. You can answer if you  
10 know.

11 A We will fix it because who ask who  
12 work on the line we need to make our jobs  
13 properly.

14 Q If you notice something was wrong what  
15 would you do? If you notice something was wrong  
16 with the dish what would you do?

17 A When I realized that I made a dish in  
18 the wrong way I made it again because I didn't  
19 want my boss to come back and give me a complaint  
20 about my dish.

21 Q What if you realized that somebody  
22 else made a dish the wrong way what would you do?

23 MR. SCHWEITZER: Calls for  
24 speculation. You can answer if you  
25 know.

1 J. Panora

2 MR. SOLOMON: And if you do one more  
3 speaking objection there will be a  
4 motion, there will be sanctions. You  
5 know that. Let's stop.

6 Q If you noticed that somebody else made  
7 a dish the wrong way what would you do, Mr.  
8 Panora?

9 A As a co-worker I would have to advise  
10 this person and tell this person that he made the  
11 dish in the wrong way so nobody gives this person  
12 a complaint.

13 Q You testified that the kitchen is a  
14 very busy place; right?

15 A Fridays and Saturdays.

16 Q Very chaotic; correct?

17 A Yes.

18 Q Who is making sure that all of the  
19 employees are doing their job in the kitchen?

20 A Well all the employees were all older  
21 employees that have been there for a while.

22 Also my boss had three cameras in the  
23 kitchen where he can check our jobs from the  
24 cameras.

25 Q So you testified that your boss was



1 J. Panora  
2 watching the cameras all the time?

3 A No, I am not saying that he watched  
4 the cameras all the time. I am saying that  
5 because the cameras are there we don't know when  
6 we are going to be watched so because makes us  
7 afraid that we could be watched we do our job  
8 properly.

9 Q Someone has to make sure the kitchen  
10 is running properly; right?

11 A Well like I said before, like we all  
12 older employees like we have been there for a  
13 long time so if something is wrong then Armen or  
14 my boss would come into the kitchen and tell us  
15 that we did the wrong thing.

16 Q So what does the dishwasher do in the  
17 kitchen?

18 A They wash the dishes.

19 Q Do they do anything else?

20 A They clean the kitchen and what ever  
21 needs to be cleaned.

22 Q Who tells them to clean the kitchen?

23 A Well usually when my boss sees that  
24 things are getting dirty he sends me a message  
25 asking me to tell them to clean the kitchen.

1 J. Panora

2 Q How many dishwashers are there, remind  
3 me?

4 A Between three and four. In general  
5 three people.

6 Q Do you send all the dishwashers to  
7 clean when your boss tells you to tell them to go  
8 clean?

9 A No, sometimes one cleans or the other  
10 cleans and the third remains dishwasher.

11 Q You're told to send -- when you were  
12 told to send the dishwashers to clean who decides  
13 which dishwashers are going to go clean?

14 A No, I don't decide who cleans or which  
15 one. I go up to them and I tell them listen the  
16 boss said that you have to clean something and  
17 they do.

18 Q The dishwashers do they use machines?

19 A Yes, a dishwasher.

20 Q Is that a machine someone has to learn  
21 to use?

22 A In general, yes.

23 Q Who teaches the dishwashers to use the  
24 machine?

25 A The other dishwashers who has been

1 J. Panora

2 working there before him.

3 Q If the dishwashers are working too  
4 slow who talks to them?

5 A Well sometimes Armen or my boss will  
6 come in the kitchen and tell them that they were  
7 doing is so so slow, very slow, sometimes my boss  
8 or Armen had washed the dishes themselves and  
9 sometimes my boss had asked me because I am a  
10 former dishwasher to teach them how to use the  
11 machines or to clean the dishes.

12 Q If the dishwashers were working too  
13 slow sometimes you would be told to help them?

14 A When there is time to teach them how  
15 to do the dishes I taught them.

16 Q Do you know how the restaurant found  
17 dishwashers?

18 A Well Armen they have found people  
19 online, my boss had found people online and Armen  
20 would call an agency, this is lately and before  
21 Armen used to give me a business card for our  
22 Spanish agency and I called to require  
23 dishwashers.

24 Q So you would call the agency --  
25 Withdrawn.

1 J. Panora

2 When you called the agency what would  
3 you say?

4 A Well Armen or my boss they would ask  
5 me to call the agency and require for a  
6 dishwasher, they will tell me the minimum that  
7 they were paying and I would call the agency and  
8 let them know how much they were paying for this  
9 job.

10 Q Salad person is the level above the  
11 dishwasher; right?

12 A Yes.

13 Q What does the salad person do?

14 A They make the salad. They prepare  
15 everything of what is called salad.

16 Q Do they prepare for example garlic?

17 A No, the garlic came peeled.

18 Q How about tomatoes do they cut  
19 tomatoes?

20 A Yes, the person doing the salads he  
21 cut the tomatoes because they use tomatoes in  
22 their salad.

23 Q How does the person who is at the  
24 salad station know what kind of salad to make?

25 A Because an order come through and he

1 J. Panora  
2 has the paper in front of him what the salad and  
3 the order also specifies what goes in the salad.  
4 No, they know. For example, if you say green  
5 salad they know what goes into a green salad.

6 Armen he used to take a picture of the  
7 salad with a description of ingredients that went  
8 into the salad for them to say and to read the  
9 ingredients.

10 Q How do the salad people learn how to  
11 make a salad?

12 A Either the other salad person shows  
13 the new person how to make the salad or any of us  
14 in the line go to work at the salad station with  
15 them to teach them.

16 Q So is it fair to say you have worked  
17 on the salad station to teach somebody how to  
18 make a salad?

19 A I taught how to make salads also, yes.

20 Q So how do you make sure everybody in  
21 the kitchen is doing what they're suppose to be  
22 doing?

23 A Well I don't have to make sure because  
24 everybody who is there in the kitchen knows what  
25 to do. That is why we don't need anybody to

1 J. Panora

2 ensure that things are done properly.

3 Q What if somebody in the kitchen is not  
4 doing a good job, what would you do?

5 A Me, I don't do anything. But if my  
6 boss comes and tells me to tell somebody to fix  
7 something then I would tell that person.

8 Q Have you ever seen somebody in the  
9 kitchen doing something you don't like?

10 A It has nothing to do with me. If I  
11 don't like it I have no input. It is not what I  
12 like.

13 Q If somebody is not doing the job the  
14 way they should your testimony is you wouldn't do  
15 anything about it?

16 A If the co-worker if somebody is doing  
17 something wrong and I can help him to fix it I  
18 tell this person hey listen you're doing this  
19 wrongly do this and that.

20 But if somebody doesn't want to work  
21 then there is nothing I could do.

22 Q If somebody doesn't want to work would  
23 you tell anybody else?

24 A In general my boss find out because he  
25 is around the managers there so they tell this

1 J. Panora

2 person if this person doesn't feel like working.

3 Q Have you ever told your boss or Armen  
4 that somebody was difficult to work with?

5 A Maybe but you know it is not up to me.  
6 If my boss is happy with this person.

7 Q So have there ever been any times when  
8 you said that somebody was difficult to work with  
9 and your boss listened to you?

10 A I don't remember.

11 Q You can't say yes, you can't say no?

12 A Truthfully I don't remember this.

13 Q Would there be anything that would  
14 refresh your recollection?

15 A Truthfully I don't know.

16 Q So turning back to the kitchen, did  
17 the line consist of the grill, the fryer and the  
18 saute; correct?

19 A Yes, and next the salad.

20 Q If the salad station runs out of  
21 ingredients what happens?

22 A The person in charge of the salad  
23 station starts preparing the ingredients that  
24 they need.

25 Q What happens if the person in the

1 J. Panora

2 salad station doesn't start preparing the  
3 ingredients that they need?

4 A If they're really busy somebody who is  
5 not as busy can help them out.

6 (Short break: 3:39 to 3:46)

7 Q Do you know what a batch item is?

8 INTERPRETER: I don't know batch is.

9 Q Did the kitchen ever have to prepare a  
10 large amount of food?

11 A Yes.

12 Q Who makes sure that that tray of  
13 lasagna is prepared correctly?

14 A I did because I prepared the lasagna.  
15 If the lasagna was not well prepared so then my  
16 boss would tell me to fix it and tell me how to  
17 fix it.

18 Q Were you the only person who prepared  
19 the big tray of lasagna?

20 A In general, yes, I was the person that  
21 did the lasagna.

22 Q Did you prepare also -- the kitchen  
23 also prepare a lot of meatloaf at any time?

24 A Yes, we had meatloaf, yes.

25 Q Who would prepare the meatloaf?



1 J. Panora

2 A Daniel, in general.

3 Q Who would make sure that the meatloaf  
4 was prepared correctly?

5 A If there was a mistake making the  
6 meatloaf and our boss would let us know and we  
7 would fix it or he fix the lasagna.

8 Q Before even the boss sees the mistake  
9 of the meatloaf do you check the meatloaf to make  
10 sure it's made properly?

11 A No, in general he has been doing this  
12 for a long time so he knew how to make it.

13 Q You never looked at the meatloaf, that  
14 is your testimony under penalty of perjury?

15 A If he thought that the meatloaf didn't  
16 look a hundred percent right he would ask for my  
17 opinion or advise because I was senior than him  
18 and I have been working there for longer time.

19 Q Did the restaurant make its own salad  
20 dressing?

21 A Yes, lately we only made one dressing  
22 and the rest my boss bought already made.

23 Q Who made the salad dressing?

24 A The salad person.

25 Q Who made sure that the salad dressing

1 J. Panora

2 was prepared correctly?

3 A Well if the boss saw that the dressing  
4 was not properly done would come back and ask the  
5 salad person and the salad person maybe could ask  
6 me to help him either fix it or how he have to  
7 change ingredient or things to make it properly.

8 Q Would you taste the salad dressing  
9 before it would go out?

10 A No, like I said, if a customer sent it  
11 back so then the guy who was there would have to  
12 try it and try to fix it and if we could fix it,  
13 if not we make it again and send it back.

14 Q I am talking about did the restaurant  
15 ever make a big batch of salad dressing?

16 A Yes.

17 Q When the restaurant made a big batch  
18 of salad dressing what kind of salad dressing was  
19 that?

20 A Balsamic vinegar dressing, it's the  
21 balsamic and vinegar and oil.

22 Q Who prepared that big batch of salad  
23 dressing?

24 A In general the salad person but also I  
25 help because it was a lot. It was a big batch of

1 J. Panora

2 salad dressing.

3 Q Would you taste the batch when it was  
4 done?

5 A When I was doing it with the person,  
6 yes, I did because I knew the flavor that we  
7 always have in our dressing.

8 Q You are the one who knew the flavor  
9 they always had in the dressing; right?

10 A Yes, I am a senior worker so I knew  
11 like most of the things how they have been done  
12 through the years there, yes.

13 Q Were you tasting it to make sure that  
14 it lined up with how it should be?

15 A Yes, I tried to make sure that it was  
16 properly done because if it was not the same way  
17 the customer will give complaints.

18 Q Are there certain ingredients that the  
19 kitchen needs to prepare in advance?

20 A Regarding the dressing?

21 Q No, just other than dressing. For  
22 example, do you ever need to prepare a lot of  
23 breaded chicken?

24 A Yes, there are things that we have to  
25 do ahead of time because you cannot do it at the

1 J. Panora

2 time of the service.

3 Q What kind of things do you have to do  
4 ahead of time?

5 A So we have to make the tomato sauce,  
6 chicken broth, meatloaf, the lasagna. We also  
7 have to prep to portion the salmon and the steak.  
8 These are the things that we have to do as  
9 prepping. There is more but.

10 Q Any more?

11 A Yes, there is more but I am not  
12 remembering them all. Also the burgers.

13 Q When a waiter comes in, has a waiter  
14 ever come into a kitchen with a complaint about  
15 food?

16 A Yes.

17 Q When the waiter comes in with the  
18 complaint about food who do they talk to?

19 A Sometimes he came in and ask the  
20 person who prepared the dish and sometimes he  
21 asked me because I am one of the oldest person  
22 working there in the sense of seniority so I know  
23 how the things are made.

24 Q When they came to you because you're  
25 the oldest person with the highest seniority what

1 J. Panora

2 would you do?

3 A Nothing. Sometimes you have to fix  
4 the order.

5 Q You would do nothing or you would have  
6 someone fix the order; is that what you said?

7 MR. SCHWEITZER: Clarify.

8 Q When the waiter came to you with a  
9 complaint about food what would you do?

10 A Well if the person wanted we redo the  
11 order what did I do. If a person wanted we redo  
12 the order, if not we make something else.

13 Q How would you figure out what that  
14 other things should be if you made something  
15 else?

16 A No, the waiters are the ones that tell  
17 us if the customer change the dish or if he want  
18 a dish redone.

19 Q So when the waiter came to you and the  
20 dish has to get redone or they want something  
21 else who do you talk to?

22 A Well sometimes the waiters come talk  
23 to me because if he went to the others they got  
24 upset and it didn't matter because if he came to  
25 me then I have to go to the person who did that

1 J. Panora

2 dish to start with and they have to redo it.

3 Most of the time the waiters brought  
4 the complaint to the Manager and the Manager came  
5 and told us or sometimes to my boss.

6 Q What happens when the food for a  
7 table -- when the waiters come into the kitchen  
8 because the food for their table is running late?

9 A Can you rephrase your question. I  
10 don't understand.

11 Q On occasion is an order for a table  
12 late?

13 A The order is late. What? I am lost.

14 Q How long should it take the kitchen to  
15 prepare a dish when it receives an order?

16 A It depends how busy we are.

17 Q Sometimes do patrons of the restaurant  
18 complain that their food was late?

19 A Yes, because we were very busy and we  
20 couldn't do everything every order fast.

21 Q Did the wait staff come into the  
22 kitchen and complain my table is complaining that  
23 their food is late, did that ever happen?

24 A Yes.

25 Q When the wait staff would come into

1 J. Panora  
2 the kitchen about a customer who complained their  
3 food was late who would they talk to?

4 A Well in general that happened on  
5 Fridays and Saturdays and those were the days  
6 that I was expediting the orders so they would  
7 come to me to get their order expedited.

8 Q What does that mean to expedite an  
9 order?

10 A Expediting on Fridays and Saturdays  
11 mostly I was expediting that means that I was on  
12 the other side of the line cooks to remind them  
13 for example table two because they were so busy  
14 that they barely had the time to read what was  
15 going to the tables so I reminded them I called  
16 the orders or I kept reminding them like table  
17 two needs their dishes out.

18 They also get a receipt and it's  
19 called fire table two, that is how it reads, but  
20 sometimes they're so busy that they don't have  
21 the time to read. So I was voicing the orders and  
22 keeping sure that all the dishes on the table  
23 were coming out as they need it.

24 Q We talked about the pre preparation of  
25 food a little while ago; do you remember that?

1 J. Panora

2 A Yes.

3 Q We talked about you mentioned tomato  
4 sauce and chicken and broth and --

5 A Meatloaf, lasagna.

6 Q Steak and burgers.

7 How would someone in the kitchen know  
8 that they're suppose to portion steak or make a  
9 burger or bread some chicken for example?

10 A So for example, each person on each  
11 station know what they needed. Myself I portion  
12 the steak and the salmon but somebody else clean  
13 the salmon in the morning. No, clean the steak in  
14 the morning. I portioned -- I clean the salmon  
15 and I portion the steak. But I clean the salmon  
16 and portion of steak.

17 But the morning people we work  
18 together so we know how much food is needed for  
19 the restaurant so we talk amongst us to see what  
20 else is needed.

21 Q Did you ever tell any other member of  
22 the kitchen staff like to bread chicken or to cut  
23 steak or they needed to prepare tomato a certain  
24 way?

25 A Yes, sometimes when they didn't know



1 J. Panora

2 how do it and because I had been working there  
3 for the longest they would ask me and I told them  
4 how to do it.

5 MR. SOLOMON: Mark this what ever  
6 Exhibit I am up to now. It will be  
7 Exhibit 9.

8 Q Mr. Panora, it is not a big exhibit,  
9 bates 390. Let me know what when you're ready for  
10 me to ask you questions about this Exhibit.

11 Are you ready?

12 A Yes.

13 Q There is a photo here and it is dated  
14 June 7, 2018 at 7:17 p.m., what is that photo  
15 depicting?

16 A It depicts the guys sitting outside in  
17 the yard.

18 Q Did you send that photo?

19 A I don't remember if I did or it was  
20 sent to me.

21 Q But did you send this photo to  
22 somebody else?

23 A Yes, I sent it to my lawyer.

24 Q Do you know who you're speaking with  
25 in this text message chain?

1 J. Panora

2 A If I am not wrong it's Daniel.

3 Q How many years have you had an iPhone?

4 A I had an iPhone for a long time.

5 Q Can you understand which of these text  
6 message are yours and which of them are Daniels?

7 A Well correct me if I am wrong, the  
8 darker one it is me and the lighter one is him.

9 Q Is it fair to say that you sent that  
10 photo to him, to Daniel?

11 A I don't remember exactly. It is  
12 possible yes.

13 Q So the three people are sitting  
14 outside, do you know who they are in that  
15 picture?

16 A I think I do remember who they are.

17 Q Who are they?

18 A Well the one in the middle is a  
19 Hispanic guy I think it was Jose, on the side, I  
20 mean next to them on each side the new people and  
21 before they used to hire the dishwasher were  
22 Hispanic but these two were like colored people.

23 Q What is in front of the people there,  
24 it looks like a tin of some sort with a bunch of  
25 wrapped?

1 J. Panora

2 A These are steaks that are getting  
3 taught on the table.

4 Q Do you know what year Jose Ramirez  
5 left the restaurant?

6 A I don't remember.

7 Q More than five years ago?

8 A It's been a long time. I don't  
9 remember exactly when.

10 Q What is Daniel saying to you and what  
11 are you saying to Daniel in this text message?  
12 Tell him to read the chain.

13 Can you please tell me what Daniel is  
14 saying to you in this text message chain and what  
15 you are saying to him?

16 A Daniel is asking me how many chickens  
17 do I cut.

18 Q What are you saying to Daniel?

19 A I am telling him the chickens are  
20 already cut in pieces, you have to like bread the  
21 chicken -- pound the chicken and bread the  
22 chicken.

23 Q Like chicken fingers?

24 A Chicken fingers. Like chicken fingers.

25 Q Why is Daniel asking you about how

1 J. Panora

2 many chickens he should cut?

3 A Well I don't know why he is asking me  
4 but because I have cut the chicken I am telling  
5 him that just pound the chicken and bread the  
6 chicken to be ready for service.

7 Q In you're all co-workers in the  
8 kitchen there was no leader why did you need to  
9 tell Daniel what to do with the chicken;  
10 shouldn't he have known?

11 A Because he worked in a different  
12 station and that was a fryer station so because  
13 that was not his station he didn't know what to  
14 do and because I am an experienced worker and I  
15 had been there for a long time maybe that is why  
16 he asked me, I know what to do.

17 Q Does the restaurant have parties?

18 A Yes.

19 Q Is there like a menu for the parties  
20 or is it the regular menu?

21 A Well I don't know how he did the  
22 business but if the customer wants things from  
23 the menu I don't know what was it cost but he had  
24 a party menu too.

25 Q Did you know what dates the parties

1 J. Panora

2 were scheduled for?

3 A Well my boss or Armen they gave us one  
4 week in advance what they call party menus so we  
5 knew how many parties we were having that week.

6 Q When the party would come in you have  
7 to cook the food, the kitchen has to cook the  
8 food; right?

9 A Yes.

10 Q How did the kitchen or how did you  
11 determine how the food was going to get cooked,  
12 who was going to do what?

13 MR. SCHWEITZER: Objection.

14 Q How was it decided in the kitchen or  
15 how was it determined how the food would be  
16 prepared for the party?

17 A If it was a menu of pasta it was  
18 Robert and myself who prepared the menu. If it  
19 was like meat it was the grill man. If they know  
20 that they needed also like mash potato or sauted  
21 vegetables it was prepared during the day we were  
22 trying to get ahead and think what was needed  
23 later on for a party.

24 Q People ordered --

25 (Discussion off the record.)

1 J. Panora

2 Q At a party there could be what 50 or  
3 60 people; is that correct?

4 MR. SCHWEITZER: Was the answer to the  
5 last question inverted into the  
6 record?

7 INTERPRETER: Yes.

8 MR. SOLOMON: Aaron, that is like a  
9 waste of time. Let's keep going.

10 Q In a party there could be 50 or 60  
11 people; is that correct?

12 A Yes.

13 Q The menu could be something like fish,  
14 steak or chicken; right?

15 A Yes, a party has any of that, what  
16 ever they want, yes.

17 Q Let's say there were 60 people there  
18 and 20 ordered fish and 30 ordered steak and ten  
19 ordered chicken, alright, who determined in the  
20 chicken who prepares how much of each?

21 A Well if it was steak I told you it was  
22 the grill man, if it was chicken it is started on  
23 the fryer and then we finish it up in the saute  
24 station and send it. If it's grilled fish the  
25 grill man he knew he got the order in the kitchen

1 J. Panora

2 and he sent it out. If it was fish in the oven  
3 then it was Robert and myself and we prepared  
4 that.

5 Q Did the kitchen staff work a set  
6 schedule?

7 A Yes.

8 Q Who decided what the schedule would  
9 be?

10 A Everyone had a schedule but who put in  
11 paper the schedule for a week or the schedule for  
12 a workers was Armen.

13 Q What if a kitchen worker would need to  
14 come in late or leave early who would they speak  
15 to?

16 A Well if they were coming late they  
17 would tell Armen or but those happen a couple of  
18 times that somebody came in late and they told me  
19 so they could get covered, they could get their  
20 station covered.

21 Q There are times that people told you  
22 that they were coming late; right?

23 A Yes, well Daniel told me a couple of  
24 times so I can get coverage for this station but  
25 you know regardless it was not super late, it was

1 J. Panora

2 like half an hour later.

3 Q Did you make sure that there was  
4 coverage for Daniel's station?

5 A Yes, if he needed to warm up the  
6 sauces or we would help him like turning on the  
7 grill to be ready for service.

8 Q Did any other employee tell you that  
9 they wanted, kitchen employee, tell you that they  
10 wanted to leave early?

11 A If that was somebody that didn't speak  
12 proper English maybe but it didn't happen.

13 Q Say that again.

14 A If it was somebody who didn't speak  
15 proper English maybe but it didn't happen.

16 Q So you're saying no employee under  
17 penalty of perjury no kitchen employee ever came  
18 to you to tell you they were going to leave  
19 early?

20 A As far as I remember I don't remember.

21 Q Can't say yes, can't say no; correct?

22 A I had worked there so long that I  
23 don't remember.

24 Q There is nothing that could refresh  
25 your recollection or is there something that



1 J. Panora  
2 could refresh your recollection?

3 A I can't remember.

4 Q What if somebody in the kitchen wanted  
5 to switch days, what would they do?

6 A Well if they wanted to get coverage  
7 for a day they would ask the person that was free  
8 that day. If he was on a Tuesday that they  
9 needed to switch days or a Tuesday they would ask  
10 me because on Tuesday was my free day.

11 Q So if somebody as we talked the  
12 dishwashers that is the bottom position in the  
13 kitchen; right?

14 A Yes.

15 Q You started as a dishwasher; right?

16 A Correct.

17 Q If you saw a dishwasher was doing a  
18 really good job what would you do?

19 Strike.

20 Let's say -- have you ever seen a  
21 dishwasher who was doing a really good job and  
22 had potential to work at a higher position?

23 A Well I couldn't do anything. If he  
24 works well he works well. If he doesn't work well  
25 there is nothing I could do.

1 J. Panora

2 Q Would you tell anybody if he worked  
3 really well or was working really bad?

4 A Well in the restaurant sometimes we  
5 have conversations amongst us like somebody was  
6 doing a really good job but that was pretty much  
7 it.

8 Q Amongst who?

9 A At the restaurant we all chatted.

10 Q Did you ever tell Dee or Armen that  
11 somebody was doing a really good job?

12 A I didn't have to tell them. There were  
13 cameras and they looked around and they saw it on  
14 the cameras.

15 Q Was Dee in the restaurant every day?

16 A No, but Armen was there every day.

17 Q Was Armen there all day every day?

18 A No, sometimes he arrived in the  
19 afternoon like 4:00 or 5:00.

20 Q Did you watch the debate last night?

21 A No.

22 Q You are not really answering my  
23 question.

24 I know you keep talking about this  
25 camera system that you think everybody was

1 J. Panora

2 looking at but my question to you was did you  
3 ever tell Dee or Armen that somebody was doing --  
4 let's say for this, did you ever deal Dee or  
5 Armen that a dishwasher was doing a great job and  
6 had the potential to be promoted?

7 A If it came from me, no, but if my boss  
8 or Armen had asked me I could have given them my  
9 opinion.

10 Q So Armen and Dee could have acted --  
11 did Armen and Dee ever ask you about your opinion  
12 about any member of the kitchen staff?

13 A They had asked me we all worked. Some  
14 have worked better or have worked well and some  
15 that didn't.

16 Q Would you tell them who worked better  
17 and who didn't?

18 A Well yes, they asked me. It is such  
19 and such doing a good job and if I had seen such  
20 and such doing a good job I would tell them yes,  
21 he is doing a good job.

22 Q Would Dee and Armen listen to you?

23 A Well that I cannot tell you if they  
24 listen to me but if they ask me I can tell you  
25 yes, they asked me.

1 J. Panora

2 Q Who is an example of somebody that you  
3 told Dee or Armen that was doing a good job?

4 A I don't know, a while ago there was a  
5 worker, I don't know if he works or he worked or  
6 if he still works there, his name was Carlos.

7 Q What did Carlos do?

8 A Well he worked for a long time washing  
9 dishes, then he left and by the time I left he  
10 came back and he was making salads.

11 Q You told Dee and Armen that Carlos did  
12 a good job?

13 A I don't remember. If they asked me  
14 it's possible that I did. I don't remember  
15 exactly.

16 Q Do you know when that conversation  
17 happened, was it before Carlos left or after he  
18 came back?

19 A I can't imagine it was before he left  
20 because then he came back to work because he was  
21 a good worker.

22 Q You said he did a good job and then he  
23 was put in a higher position as a dishwasher; is  
24 that correct? And then dishwasher; is that  
25 correct?

1 J. Panora

2 A I can't imagine that, yes, if they  
3 asked me and then they say potential on him so  
4 then yes.

5 Q Is there anybody else you said was  
6 doing a good job besides Carlos that you told Dee  
7 and Armen when they asked you?

8 A I don't remember.

9 Q Would anything refresh your  
10 recollection?

11 A I don't know.

12 Q Can you tell me an example of an  
13 employee who you told Dee and Armen was doing a  
14 bad job?

15 A I don't remember if I told them who  
16 was doing a bad job. I don't remember.

17 Q When Dee or Armen would ask you about  
18 someone's performance and you said they did a bad  
19 job what would Dee or Armen do?

20 MR. SCHWEITZER: Objection. You can  
21 answer.

22 A I don't know what they could have  
23 done. I don't think, nothing.

24 Q They could have fired somebody; right?

25 MR. SCHWEITZER: Objection. You can

1 J. Panora

2 answer.

3 A Possible. They make the decision.

4 Q Did there ever come a time when they  
5 asked you if an employee was -- how an employee  
6 was doing and you said that employee was doing a  
7 bad job, he is hard to work with and then Dee or  
8 Armen decided thereafter to fire that employee?

9 A No.

10 Q Never?

11 A As far as I remember, no.

12 Q Under penalty of perjury then?

13 A I don't remember.

14 Q So you don't remember if you said  
15 somebody's performance was bad and then Dee and  
16 Armen decided to fire the person, you don't  
17 remember?

18 A I was not always looking to see who  
19 was doing a good job and who was not doing a good  
20 job.

21 Q That is not my question.

22 My question is were you ever asked if  
23 someone -- were you ever asked by Dee or Armen  
24 about someone's performance and you said the  
25 person was bad or difficult to work with and Dee

1 J. Panora

2 or Armen later decided to fire that person, yes  
3 or no?

4 A I am trying to remember but I don't  
5 remember anybody in particular.

6 Q Would anything refresh your  
7 recollection?

8 A I don't know.

9 Q You can't say if that happened and you  
10 can't say if it didn't happen; is that right?

11 A No, I don't remember exactly.

12 Q Did you ever say that you wanted a  
13 kitchen staff member fired?

14 A No.

15 Q Never?

16 A No.

17 Q Did you ever think anyone's  
18 performance was so bad in the kitchen that they  
19 should be fired?

20 A Well I couldn't decide that. That was  
21 decided by my boss.

22 Q You already told me that you --  
23 Strike.

24 I understand your testimony is that  
25 the firing decision was your boss's but my

1 J. Panora

2 question to you was not that.

3 My question to you was did you think  
4 that anybody's performance in the kitchen was so  
5 bad that that person should be fired, dishwasher,  
6 salad person, I don't care who it is?

7 A I think that I have shared that with  
8 my boss and it was maybe because either they  
9 needed help in the kitchen or they didn't get the  
10 things that they needed to get ready.

11 Q Did your boss listen to you?

12 A I think he went and spoke to the  
13 person and waited to see if he improved.

14 Q Did that person improve?

15 A I am not sure if as the time went by  
16 improved or as the time went by they kicked him  
17 out.

18 Q It could be one way or it could be the  
19 other way; right?

20 A Possibly, yes.

21 Q Did you ever tell any kitchen employee  
22 to pick up their final paycheck?

23 A No. But yes, it had happened but when  
24 they had decided to fire somebody they left the  
25 paycheck with me so I can give it to this person



1 J. Panora

2 the day after as they arrived.

3 Q Why would they give you the paycheck  
4 to give to this person who they fired?

5 A Well because Armen the Manager he  
6 arrived in the afternoon and I went early around  
7 11:00 a.m.

8 Q How many times did you have to give a  
9 check to someone who had been fired?

10 A Sometimes they had left me the check  
11 for the person.

12 Q Did you ever feel that the person you  
13 were giving the check to should be fired?

14 A Well my feelings have nothing to do  
15 with the decision if they had already made the  
16 decision.

17 Q I understand it was not your decision  
18 I didn't ask you that question.

19 Did you ever give a check to someone  
20 that you agreed should be fired?

21 A I didn't think anything about that.  
22 Only follow orders.

23 Q Did you ever give a check to someone  
24 who you told Dee or Armen was doing a bad job?

25 A I am trying to think and remember.

1 J. Panora

2 Q Either you told them that they were  
3 doing a bad job or they asked you and you told  
4 them they were doing a bad job?

5 A It is possible, yes, but another thing  
6 had gone by and I had worked for a very long time  
7 in the past.

8 Q Is there anything that could refresh  
9 your recollection?

10 A No.

11 Q Why give the check to you the final  
12 paycheck to you in the kitchen as opposed to  
13 anybody else who would be there?

14 A I assume that because I was the worker  
15 that worked there the longest and the most senior  
16 one I think that that is why the checks were  
17 given to me to give to somebody.

18 Q Let's talk about Alvaro for a second.  
19 Do you know who Alvaro is?

20 A Yes.

21 Q What position does Alvaro work in?

22 A He makes salads. He did some rotation  
23 around the stations because then he went to the  
24 fryer and he rotated.

25 Q Did he always work in that position?

1 J. Panora

2 A Which one, meaning as a floater?

3 Q Did he start as a dishwasher?

4 A I think so, looks like it, yes.

5 Q Did he do a good job as a dishwasher?

6 A He was a good worker.

7 Q Did you ever tell anyone he was doing  
8 a good job?

9 A I think that either Armen or my boss  
10 asked me once and I said yes, he is doing a good  
11 job.

12 Q Then Alvaro was promoted to the  
13 floater position; correct?

14 A Yes, I think he went up to the salad  
15 station and then he started being a floater.

16 Q Who taught him as a floater to work at  
17 all the different stages?

18 A I think it was Armen.

19 Q Did you participate -- how would Armen  
20 teach, first of all, does Armen cook?

21 A No.

22 Q How could Armen teach Alvaro to  
23 operate all of those different stations?

24 A No, he made the schedule and he  
25 assigned the people where to work.

1 J. Panora

2 Q That is not what I asked you. I asked  
3 you who taught Alvaro how to do the job at each  
4 of those stations?

5 A If you work the saute station Robert  
6 and I taught him. If you worked on the fryer  
7 Daniel taught him how.

8 Q Let's talk about hiring.

9 You said that you contacted employment  
10 agencies.

11 Did Dee or Armen ever send you  
12 responses to job advertisements?

13 A If they had send me applications?

14 Q No, I mean a response to an inquiry or  
15 an ad?

16 A No, in general the inquiry was for  
17 dishwasher. The other workers the one that  
18 worked the line we were the line and the stations  
19 were other workers.

20 Q So the dishwasher job had more  
21 turnover; right?

22 A Yes.

23 Q Why would, and I want to show you an  
24 example. Let's go to Exhibit 13. If we scroll  
25 down.

1 J. Panora

2 So here is an e-mail that looks like  
3 it's a dishwasher responding or someone  
4 responding to a Craigslist ad for a dishwasher  
5 and that was e-mailed to you; do you see that?

6 MR. SCHWEITZER: Objection. What  
7 that says is that the response was to  
8 Craigslist and it was forwarded to  
9 him.

10 Q So it seems like Aaron is right.

11 The response was to Craigslist and  
12 then it was forwarded to you, Mr. Panora; do you  
13 agree with your lawyers statement?

14 Mr. Panora, was a Craigslist e-mail  
15 that was sent and forwarded to you?

16 A Well there you can see my name so.

17 Q Is that your e-mail address or one of  
18 your e-mails address, Remigiopu?

19 A Yes, that was my first e-mail address.

20 Q This is looks like a Craigslist  
21 response from somebody responding to an ad for a  
22 dishwasher position; is that correct?

23 A Yes, it looks like it.

24 Q Why would you be receiving this? Why  
25 would this e-mail be forwarded to you?

1 J. Panora

2 A I don't know if it came directly to me  
3 or my boss sent me at some point they were having  
4 trouble to find dishwashers to work.

5 Q You are not answering my question  
6 again and I am happy to tell the court you are  
7 being evasive but let's keep trying.

8 My question was why would this  
9 Craigslist response be forwarded to you?

10 A I am not sure why my boss sent it to  
11 me.

12 Q You can't -- you have no idea why your  
13 boss sent it to you?

14 A No, it's been a long time. I don't  
15 remember.

16 Q Why didn't -- do you know why your  
17 boss sent it to you instead of the rest of the  
18 kitchen?

19 A Because I think that he considered me  
20 as being one of his older employees.

21 Q Have you ever interviewed somebody at  
22 the restaurant was looking to hire?

23 A If it was in Spanish my boss asked me  
24 for help to interpret.

25 Q So did you ever interview anybody who

1 J. Panora

2 spoke English even with you and your boss  
3 together?

4 A I am trying to remember. I don't  
5 remember exactly.

6 Q Would anything refresh your  
7 recollection?

8 A I don't know.

9 Q How many times did you interview  
10 somebody in Spanish?

11 MR. SCHWEITZER: Objection to the  
12 form. You can answer.

13 Q How many times did you participate in  
14 an interview in Spanish?

15 A Well most of the ones that I got when  
16 my boss asked me to help to interpret when they  
17 didn't speak English.

18 Q Did you ever conduct an interview when  
19 Dee or Armen were not there?

20 A Solo?

21 Q Solo.

22 A Well not alone, no, I could never done  
23 what my boss did with interviews.

24 Q Is it your testimony you never, under  
25 penalty of perjury, are you testifying that you

1 J. Panora

2 never conducted an interview by yourself?

3 A An interview, no, I couldn't and I  
4 can't. If it was a Hispanic person then they  
5 would make it go and do something work yes.

6 Q Tell me about the interviews you  
7 conducted with Deeran.

8 MR. SCHWEITZER: Objection to the  
9 form. You can answer.

10 MR. SOLOMON: What is the objection to  
11 form? He just testified that he  
12 conducted interviews with his bosses  
13 there.

14 MR. SCHWEITZER: He testified that he  
15 translated for them rather than  
16 conducting an interview.

17 MR. SOLOMON: Now your coaching,  
18 buddy, and one more calls Kogan see  
19 what happens.

20 MR. SCHWEITZER: I am not coaching.

21 MR. SOLOMON: It is coaching, buddy,  
22 try it again and I am calling Kogan.  
23 You guys are already on thin ice so  
24 let's keep going.

25 Q Mr. Panora, did you conduct interviews



1 J. Panora

2 with Dee or Armen?

3 A I interpreted for them, yes.

4 Q You would ask their questions in  
5 Spanish; right?

6 A Yes, when they needed my help I would  
7 ask the questions and what ever they told me I  
8 would tell them in English and so on.

9 Q Would you ask questions of your own?

10 A No.

11 Q It is your testimony under penalty of  
12 perjury that you never asked a question at an  
13 interview that was not a translation of a  
14 question that somebody asked under penalty of  
15 perjury which is a felony in the State of New  
16 York; that is your testimony?

17 A I just translated. That was it.

18 Q After this interview was over did Dee  
19 or Armen ask you what you thought of the person  
20 you were interviewing?

21 A Yes, they asked me.

22 Q Would you say if you liked the person  
23 or you didn't like the person?

24 A Not if I like or dislike the person  
25 but if what ever the person replied the answers

1 J. Panora

2 were aligned with what my bosses were asking.

3 Q Like basically the person gave good  
4 answers; is that correct?

5 A Yes, so then I told my bosses.

6 Q Is it fair to say you were explaining  
7 that the person gave answers that showed that  
8 they could do the job?

9 A No, I didn't say that. The answers  
10 that they gave me I translated for them.

11 Q Did the restaurant ever hire anybody  
12 after you were asked what you thought of Dee and  
13 Armen?

14 A No, because my bosses knew the answers  
15 and they decided if they were hiring him or not.

16 Q When the dishwashers would be hired or  
17 any other person in the kitchen would be hired  
18 would it be a permanent basis or just kind of  
19 like a trial basis to see if they did a good job?

20 A No, they hired them and they started  
21 to do work.

22 Q And they started to work permanently?

23 A Yes, and they started working until  
24 they decided to stay or to leave.

25 Q Until who decided to stay or to leave?

1 J. Panora

2 A Them, the ones that were given the  
3 job. Sometimes they left the job and sometimes  
4 they didn't like it and they left.

5 Q It's your testimony under penalty of  
6 perjury which you know is a felony that the  
7 restaurant did not hire employees to work in the  
8 kitchen on a trial basis?

9 A Well at the restaurant we went through  
10 really bad times trying to find dishwashers and  
11 sometimes we didn't have the chance to put them  
12 on trial.

13 Q So there were people that were put on  
14 trial; right?

15 A Well it was really busy so as far as I  
16 remember they hired this person or the person  
17 started working. If he was doing a good job he  
18 stayed and if he didn't either he left or was  
19 told to leave.

20 Q What hours did you work?

21 A I did 11:00 to 9:30. Before we used to  
22 do 11:00 to 10:00 or 10:30. On weekdays was  
23 Friday and week was 10:00, 10:30. On weekdays we  
24 did 11:00 to 9:30 and on Fridays and weekends  
25 Saturday and we did 11:00 to 10:00 or 10:30.

1 J. Panora

2 Q Say that again.

3 (Whereby, the requested portion was  
4 read back by the reporter.)

5 A I want to clarify.

6 Q Please.

7 Start with this how many days a week  
8 did you work?

9 A I worked five days a week, off on  
10 Tuesday. If I was needed on Tuesday and starting  
11 2018 I would work on that Tuesday. This is  
12 starting on 2018. Before I used to have a  
13 different schedule.

14 Q So 2018 forward did you work on  
15 Monday?

16 A No, Monday the restaurant is closed.

17 Q Just follow me yes or no for these  
18 questions. It'll go a lot faster.

19 A Okay.

20 Q From 2018 forward did you work on a  
21 Tuesday?

22 A Yes, not every day.

23 (Discussion off the record.)

24 Q Mr. Panora, is it your testimony that  
25 you didn't work every Tuesday after 2018?

1 J. Panora

2 A No.

3 Q How many days in a month would you  
4 work after 2018, do you have any idea?

5 A How many Tuesdays a month I didn't  
6 work in 2018?

7 Q Starting in 2018 how many Tuesdays  
8 would you work in a month?

9 A One or two, depending on the day, yes,  
10 one or two.

11 Q When you worked on a Tuesday after  
12 2018 what were your hours that you worked?

13 A I worked the whole day. I was working  
14 all day if I was covering for anybody.

15 Q What did the whole day mean; what time  
16 do you start and what time did you stop?

17 A 11:00, 11:30 to 9:00, 9:30.

18 Q So you could have started at 11:00,  
19 you could you have started at 11:30 on those  
20 Tuesdays?

21 A Yes.

22 Q Let's go to Wednesday, did you work on  
23 Wednesdays after 2018, we will do the before in a  
24 second?

25 A Yes.

1 J. Panora

2 Q What time did you start working on  
3 Wednesdays and what time did you stop?

4 A I arrived in general between 11:00  
5 and 11:30 and I worked until closing at 9:30 p.m.

6 Q 2018 forward did you work on  
7 Thursdays?

8 A Yes.

9 Q What time did you start and what time  
10 did you stop?

11 A 11:00, 11:30 till the closing 9:30  
12 p.m.

13 Q Could again be 11:00 or 11:30 you  
14 don't know; right?

15 A Yes, my schedule was to start at 11:00  
16 but sometimes I was a little late and I arrived  
17 11:30.

18 Q Fair to say most of the time you  
19 arrived 11:30, half the time, let me know?

20 A Many times.

21 Q Let's go to Friday, did you work on  
22 Fridays after 2018?

23 A Yes.

24 Q What time did you start and what time  
25 did you stop?

1 J. Panora

2 A I started at 11:00, 11:30 a.m. and  
3 Fridays we finished at 10:30 p.m.

4 Q On Saturdays, did you work on  
5 Saturdays after 2018?

6 A Yes.

7 Q What time did you start and what time  
8 did you stop?

9 A 11:00, 11:30 I started and I finished  
10 at 10:30 p.m.

11 Q Just like Fridays and Saturdays is it  
12 fair to say that you were late enough that you  
13 were probably starting at 11:30 a.m.?

14 A Yes, if your friend was advanced  
15 enough you can arrive a little later in the  
16 morning.

17 Q Understandable.

18 On Sundays, did you work on Sundays?

19 A Yes.

20 Q On Sundays what time did you start and  
21 what time did you stop?

22 A I started 11:00, 11:30 and we closed  
23 at the 9:30 p.m.

24 Q This is the schedule you worked after  
25 2018.

1 J. Panora

2 Do you know when in 2018 you started  
3 to work the schedule?

4 A This schedule as we were talking about  
5 starting in April.

6 Q April of 2018.

7 A Yes.

8 Q I want to talk about the schedule you  
9 worked before April of 2018.

10 A Okay.

11 Q We will do it the same way, alright. I  
12 will start with did you work on Mondays before  
13 April of 2018?

14 A No.

15 Q Did you work on Tuesdays before April  
16 of 2018?

17 A Yes.

18 Q What time did you start and what time  
19 did you stop?

20 A 11:00 to 9:30 p.m.

21 Q Were you ever late before April of  
22 2018 such that maybe you started at 11:30 a.m.?

23 A I had arrived late sometimes, yes.

24 Q Did you work on Wednesdays, I am still  
25 talking about before April of 2018?



1 J. Panora

2 A Yes.

3 Q What time did you start on Wednesdays  
4 and what time did you stop?

5 A We started at 11:00 and finished at  
6 9:30 p.m.

7 Q How about Thursdays prior to April of  
8 2018?

9 A 11:00 to 9:30 p.m.

10 Q How about Friday?

11 A 11:00 to 10:30 p.m.

12 Q How about Saturdays what time did you  
13 work on Saturdays?

14 A Yes.

15 Q What time did you start on Saturday  
16 and what time did you stop?

17 A 11:00 a.m. to 10:30 p.m.

18 Q Did you work on Sundays before April  
19 of 2018?

20 A Yes.

21 Q What time did you start and what time  
22 did you stop on Sunday before April 2018?

23 A Well I am trying to remember because  
24 at some point in 2018, before 2018, my boss had  
25 given me free on Sundays, Sundays free, but

1 J. Panora

2 because that was the day that most likely they  
3 had parties I started at 11:00 and I finished  
4 sometimes at 9:30 p.m. but it varied because it  
5 was that I was going to parties so it was not  
6 always the same.

7 Q So let's deal with that.

8 You only worked on Sundays prior to  
9 April of 2018 when there was a party; is that  
10 fair?

11 A Well before that my schedule was to  
12 work on Sundays from 11:00 to 9:30 p.m. until my  
13 asked my boss to have the day Sunday free so I  
14 only went to work when they have a lot of  
15 reservation for party.

16 Q So when did you ask your boss to have  
17 Sundays free?

18 A I don't remember exactly the date.

19 Q Was it in 2017, 2016, 2015, 2014?

20 A I don't remember.

21 Q Before you asked your boss to work  
22 Sundays, to have Sundays off, you worked Sundays  
23 from 11:00 to 9:30 p.m.; is that correct?

24 A Yes.

25 Q After you asked your boss to have

1 J. Panora

2 Sundays off you only worked on Sundays when there  
3 was a party; is that correct?

4 A Yes, when they have a lot of  
5 reservations and they have parties I had to go on  
6 Sundays.

7 Q For how many hours would you work when  
8 there was a party?

9 A There was not a set schedule depending  
10 on how many parties and how many reservations  
11 for the night.

12 Q Do you have any recollection of the  
13 hours, the number of hours, you worked when you  
14 worked a party?

15 A It is hard to keep it in my memory  
16 because sometimes you know there was a party  
17 early and a party later. It is hard to tell.

18 Q Is there anything that would refresh  
19 your recollection?

20 A No, it's really difficult to remember.  
21 I don't know.

22 Q I understand.

23 Have we talked now about -- have we  
24 now discussed your hours as they were from 2013  
25 through the end of your employment?

1 J. Panora

2 A I don't remember.

3 Q Do you need a minute.

4 A No, we can continue.

5 Q So you talked about arriving late and  
6 you said you arrived late often; that is fair,  
7 right?

8 A Well that was when my boss told me  
9 after 2018 that if everything was ready to start  
10 the service I can arrive a little later in the  
11 morning and then by the time I left in 2018 it  
12 was because I didn't want to keep working so many  
13 hours.

14 Q Did you ever leave early?

15 A If I was sick I left early but in  
16 general I stayed until the closing to close.

17 Q You stayed until the closing time;  
18 right?

19 A Yes.

20 Q You don't stay passed the closing  
21 time; right?

22 A No.

23 Q How much longer would you stay passed  
24 the closing time?

25 A I just told you that I didn't stay

1 J. Panora

2 passed the closing time.

3 Q You never stayed passed the closing  
4 time of the restaurant. I understand; right?

5 A After 2018, no, because I didn't want  
6 to work that many hours, no.

7 Q Before 2018 did you stay passed  
8 closing time?

9 A How can I explain. Let me try. Okay  
10 give me a minute.

11 Okay, so when I needed to finish the  
12 order of things that I needed for the restaurant  
13 then I would stay a little longer to finish the  
14 order of the things needed for the day after or  
15 in general for the restaurant.

16 (Discussion off the record).

17 Q Mr. Panora, were your hours -- were  
18 you part of the schedule for the restaurant?

19 A No, like to set the schedule like if I  
20 was helping with the schedule?

21 Q Were you?

22 A No, Armen.

23 Q Were you part of the schedule? Were  
24 your hours on the schedule?

25 A My hours were on the schedule.

1 J. Panora

2 MR. SOLOMON: Briefly pull up Exhibit  
3 4 and I would like to go to page bates  
4 stamp page Deenora 681.

5 Q Mr. Panora, this document is redacted  
6 but do you see your name there?

7 A Yes.

8 Q Can you tell me what it is?

9 A Jose P.

10 Q Do you know what this document is?

11 A The schedule that was laid out for the  
12 workers.

13 Q Is it fair to say that you could not  
14 have worked more than the hours on the schedule?

15 A Like I told you before, if I had to  
16 make an order I stayed a little longer but that  
17 was my schedule.

18 Q This was the schedule you worked on  
19 this week?

20 A Yes.

21 Q Unless you had to stay longer to make  
22 an order which by the way how long would you have  
23 to stay in order to make an order outside of your  
24 hours?

25 A Not much.

1 J. Panora

2 Q Less than an hour?

3 A Yes.

4 Q How often would you make an order?

5 A Well I did orders on weekdays every  
6 day but I order more on Thursdays and sometimes  
7 Saturdays or Thursdays and Sundays.

8 Q Did you stay after work for every day  
9 you made an order or only on Sundays that you  
10 made an order?

11 A No, I didn't stay later than my  
12 schedule every day then I did orders. I stayed  
13 later on Sundays in general.

14 Q So apart from staying later on Sundays  
15 is it fair to say that you did not work more than  
16 the hours on your schedule?

17 A Yes.

18 MR. SOLOMON: We are done with Exhibit  
19 4. I would like to go to --

20 Q Why did your employment at Dee's end?

21 A I don't understand. Can you please ask  
22 me.

23 Q Were you fired, did you quit, what  
24 happened, why did you leave Dee's?

25 A I left because I started to have back

1 J. Panora

2 problems.

3 MR. SOLOMON: I would like to pull up  
4 Exhibit 18. Audio file. We will play  
5 it for a minute.

6 Q Were there any days besides Mondays  
7 when the restaurant were closed; for example,  
8 holidays?

9 A The restaurant also can close in  
10 wintertime if there was a lot of snow like a  
11 snowstorm and the boss decided to close.

12 Q Was there any holidays the restaurant  
13 was closed for?

14 A Yes, it was closed July 4, sometimes  
15 he opened but most of the years the restaurant  
16 was closed on July 4.

17 Q Was the restaurant closed for two  
18 weeks during the summer?

19 A As far as I remember, no.

20 Q What would refresh your recollection?

21 A I don't know.

22 Q Did you ever take any vacations in the  
23 period of 2013 to present?

24 A 2013, I went to Ecuador.

25 Q You went to Ecuador?



1 J. Panora

2 A Yes.

3 Q When did you go to Ecuador?

4 A I don't remember the exact date but I  
5 did take a vacation.

6 Q Do you know how long that vacation  
7 was?

8 A I asked my boss and I think I was gone  
9 for a month and then in general our vacation time  
10 was in July.

11 Q That vacation time in July so how much  
12 vacation time did you have every July?

13 A Also there was depending on the day  
14 that July 4 fell depending on the day it was  
15 closed for a week or a week and two days  
16 depending on July 4.

17 Q Let's play this recording we have up  
18 as I don't know what it is marked as, on my list  
19 it was Exhibit 18?

20 MR. POLETES: I will be mark it as  
21 Exhibit 12.

22 (Whereby, the video recording played.)

23 Q Is that your voice in English?

24 A Yes.

25 MR. SOLOMON: Let's go to Exhibit 3 on

1 J. Panora

2 my list.

3 Q Mr. Panora, have you seen this  
4 document before?

5 A I don't remember seeing it.

6 Q So you can't say if you have, you  
7 can't say if you have not; correct?

8 A Yes, no, I can't.

9 Q I will represent to you it's an  
10 organizational chart for the restaurant. I will  
11 go through who all the people are.

12 Who is the owner?

13 A My boss.

14 Q Who is that? Give me a name.

15 A Dee.

16 Q Dee is the owner.

17 Under the owner there is the General  
18 Manager. Who is the General Manager by name?

19 A Armen.

20 Q And right to the left of the General  
21 Manager right under it is a chef. Who is the  
22 chef?

23 A In that page it would be me.

24 Q Let's scroll up on the document  
25 please.

1 J. Panora

2 Do you see the section that says  
3 management phone numbers?

4 A Yes.

5 Q Your name is there?

6 A Yes, I see my name.

7 Q There are home and cell phone numbers  
8 there?

9 A I don't remember, I didn't have the  
10 cell phone number and my home.

11 Q Did you have that number for your  
12 home?

13 A It is possible. It is been a long time  
14 since I don't use a landline.

15 Q So if you have not used a landline for  
16 a while this paper we are looking at is probably  
17 several years old at least; is that fair?

18 A I think so.

19 Q Why are you listed as part of  
20 management?

21 A You should ask that question to my  
22 boss.

23 Q You can't testify as to why you're  
24 listed as part of management?

25 A I don't know.

1 J. Panora

2 Q Do you dispute being listed as part of  
3 management here?

4 A Yes, I don't remember seeing this  
5 paper.

6 Q Let's go to Exhibit 2. Before I asked  
7 you about Exhibit 2 I want to clean something up.

8 Your salary in the Complaint is listed  
9 for the period of 2011 to April 9, 2018 as being  
10 \$1,300 a week; is that correct?

11 A Yes.

12 Q And then after April 9, 2018 it's your  
13 testimony that your salary increased to \$1,400  
14 per week?

15 A Yes.

16 Q And you got the same salary every week  
17 you worked; right?

18 A Yes.

19 Q If we look down at Exhibit 2 all the  
20 way at the bottom is a signature; is that your  
21 signature?

22 A Yes.

23 Q If you look at the outline of  
24 responsibilities; do you see that?

25 A Yes, the date was signed on 4/11/18.

1 J. Panora

2 Q No, I want you to look at the outline  
3 of responsibilities, do you see the outline of  
4 responsibilities there?

5 A Yes.

6 Q Were those your responsibilities?

7 A When I came back in 2018 my boss gave  
8 me these but I continued to do the same, a line  
9 cook.

10 Q Your testimony is you signed this yet  
11 you did not perform those responsibilities; is  
12 that what you're saying?

13 A I was still a line cook.

14 Q Hmm, you were still a line cook.  
15 You were a line cook that made \$72,000  
16 a year; is that correct?

17 A Well as you can see I left in 2018 and  
18 he even though offered me more money to go back.

19 Q You left in 2018, how long did you  
20 leave for?

21 A For two days. I found another job in  
22 Albany and I worked there for two days because I  
23 didn't want to work long hours there.

24 Q Did you actually work at the other job  
25 in Albany?

1 J. Panora

2 A Yes, I worked for two days.

3 Q Who decided what ingredients the  
4 kitchen needed to order?

5 A Well we had a menu and my boss gave me  
6 I don't know what is the name of it but it was a  
7 paper with all the ingredients listed so I just  
8 order what I needed to order.

9 Q So did you decide -- who decided how  
10 much of each ingredient to order, how many  
11 steaks, how many shrimps, how much garlic?

12 A Because I have been there for a long  
13 time and I have a lot of experience I have the  
14 know how of how much to order. I know how to  
15 order and how much.

16 Q What vendors did you order from?

17 A My boss also gave me a list of vendors  
18 so for meat I ordered from Metro Meat and Master  
19 Meat. Then other products from High Cool and  
20 Samson and my boss also ordered from Sysco, I  
21 don't know the spelling on Sysco, most likely  
22 C-I-S-C-O.

23 Q If two employees in the kitchen had a  
24 disagreement or a fight --

25 Did there ever come a point in time

1 J. Panora

2 when two employees in the kitchen had a  
3 disagreement or had a fight?

4 A As far as I can remember, no.

5 Q Did anybody else in the kitchen order  
6 ingredients?

7 A Well before I left Robert also started  
8 to order for the kitchen. If I was sick Armen  
9 with the help of Robert would order.

10 Q Robert only started ordering you said  
11 right before you left?

12 A Yes, because before I left my boss  
13 asked me to teach Robert and Armen how I have  
14 been ordering for a long time.

15 Q If you placed an order and you didn't  
16 get what you ordered what would you do?

17 A Well I would call my boss if something  
18 was not ready to come or it was not available and  
19 sometimes I also had to call the vendors because  
20 some things were missing from the order.

21 Q Did there ever come a time where you  
22 ordered food and you got something that was not  
23 good, was not of the right quality or spoiled?

24 A Yes, we had received things that are  
25 not good to be served.

1 J. Panora

2 Q What would you do when that would  
3 happen?

4 A Well I let my boss know but sometimes  
5 because I was in charge of ordering I had to call  
6 myself the vendor and let him know that what ever  
7 the item was spoiled.

8 Q Sometimes the kitchen is busy; right?

9 A Yes.

10 Q Times when the kitchen is not busy?

11 A Yes.

12 Q During what period of time in the day  
13 is the kitchen not busy?

14 A From 11:00 to 4:00 or 5:00 p.m. that  
15 ask when we use that time to prep.

16 Q Did you ever leave the restaurant when  
17 the kitchen was slow during that slow period to  
18 take care of any kind of personal business?

19 A If I have I asked permission either to  
20 my boss or to Armen but there were rare occasions  
21 that I left the job during the day.

22 Q Did you eat during work?

23 A We didn't have a lunchtime break but  
24 we ate when it was not very busy.

25 Q I understand you didn't have a set



1 J. Panora

2 hour for lunch but how much time would you spend  
3 eating during that not busy period?

4 A Like ten minutes.

5 Q What else would you do during the not  
6 busy period, for example, would you watch soccer?

7 A Well soccer yes, we have our boss's  
8 permission and he let us watch the match.

9 Q How much time would you spend watching  
10 matches during non busy period?

11 A We worked the match in the meantime  
12 that we didn't have an order. If an order came in  
13 we just went and took care of the order and maybe  
14 if we could we listen to the match but the  
15 priority was the orders.

16 Q What did the dishwashers do? First of  
17 all, are there a lot of dirty plates during the  
18 slow period?

19 A No, if it's slow no, there is prep  
20 time but not a lot of dishes because the  
21 restaurant is slow.

22 Q What did you tell the dishwashers to  
23 do during the slow period?

24 A During the slow period my boss would  
25 ask me to tell them to clean the dirty walls or

1 J. Panora

2 the yard.

3 Q I would like to show you something the  
4 lawyer gave me and I don't really understand what  
5 it is.

6 MR. SOLOMON: Can we go to Exhibit 19  
7 please.

8 (Whereby, the video was played.)

9 Q What am I looking at, Jose?

10 A I didn't understand your question.

11 Q What does this video show?

12 A It looked like something fell on my  
13 head and the guy is Carlos and then I got --

14 INTERPRETER: The interpreter  
15 disconnected.

16 A I think he was reaching something  
17 above from the chef.

18 Q Did you ever help create dishes for  
19 the restaurant?

20 A As far as I remember, no, my boss  
21 created the dishes and he gave us the recipes and  
22 instructions.

23 Q Did he ever ask you for your opinion?

24 A When he created a dish in the kitchen  
25 he asked everybody around in order to see like

1 J. Panora

2 opinion, ingredients or how to present the food  
3 on the plate.

4 Q How about specials, how were specials  
5 created?

6 A Well, my boss gave us the recipe and  
7 ingredients and depending the kind of dish, it  
8 was pasta it was Robert or me who made the dish,  
9 if it was a grill the guy who worked on the grill  
10 and if it was a salad the salad man.

11 Q Did any employee -- did you discuss  
12 overtime with any employee at Dee's?

13 A Which case?

14 Q No case, I am asking did you discuss  
15 overtime with any employees at Dee's, not case?

16 A Well Terry asked me once if or how  
17 they pay overtime and I told this person that we  
18 were not getting paid for overtime.

19 Q Was Terry the only person you spoke  
20 with about overtime at Dee's?

21 A Yes.

22 Q How long has Robert worked for the  
23 restaurant?

24 A I don't remember exactly but about  
25 sixteen years.

1 J. Panora

2 Q Is Robbie a chef line cook too?

3 A Yes.

4 Q Does Robbie make \$70,000 a year?

5 A No, I don't know how much he makes.

6 Q What is the difference between Robbie  
7 and you?

8 A The difference, I have more knowledge  
9 because I had worked longer there.

10 Q How much longer than Robbie have you  
11 worked?

12 A I worked for my boss for 25, 27 years.

13 Q Is it fair to say Robbie worked for  
14 Dee for about twenty years?

15 A Yes, it is possible.

16 (Short break: 6:35 to 6:37)

17 Q So when the restaurant was slow toward  
18 the end of day did you ever leave early, Jose?

19 A Maybe I had left early I had to ask  
20 for permission to my boss or Armen.

21 Q The surveillance camera system in the  
22 kitchen would Dee or Armen use that camera to  
23 give an order to anybody?

24 A I don't understand the question.

25 Q How did Dee or Armen use the camera

1 J. Panora  
2 system in the kitchen to give instructions to you  
3 or anybody else in the kitchen?

4 A No, I don't know how they would use  
5 the cameras. I know the cameras were there but.

6 Q If they were going to talk to somebody  
7 they would come in the kitchen; right?

8 A Yes.

9 Q They would not use the camera to talk  
10 to anybody; correct?

11 A Well they used like an intercom from  
12 the office to use their voice to tell somebody to  
13 come down to the office.

14 Q So they would only use the intercom to  
15 tell someone to come down to the office; correct?

16 A Yes.

17 Q The group text chat we saw earlier do  
18 you remember that, the Dee's Team Chat?

19 A Yes, I remember that.

20 Q Would Dee or Armen use the Team Chat  
21 to tell people what to do?

22 A I didn't use that application. I  
23 rarely used that application.

24 Q Didn't use it or you rarely used it?

25 A Rarely because I don't write in

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J. Panora

English. I very rarely use English.

Q Let's wrap this up.

MR. SOLOMON: So, Aaron, you paying attention there, bud?

MR. SCHWEITZER: Yes.

MR. SOLOMON: So Mr. Panora, I don't have any questions for you right now but I do have to hold the record open because it seems from your testimony today that you have failed to produce certain documents, again, that are responsive to our discovery requests and I have met and conferred with Mr. Schweitzer for several minutes and I have requested of him that the text messages that you are withholding be produced in their entirety by Monday. And I am going to reserve my right for a further deposition of you to ask you questions about those communications which I do not have. So I thank you for your time today sir, and for now that is it. Aaron, you and I will followup separately.

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J. Panora

(Time noted: 6:43 p.m.)

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JOSE PANORA

Subscribed and sworn to before me  
this            day of            , 2020.

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J. Panora

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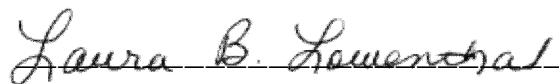
J. Panora  
CERTIFICATION  
STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF NEW YORK )

I, LAURA B. LOWENTHAL, a Notary  
Public within and for the State of New York, do  
hereby certify:

That JOSE PANORA the witness(es)  
whose deposition(s) is(are) hereinbefore set  
forth, was(were) duly sworn by me and that such  
deposition(s) is(are) a true and accurate record  
of the testimony given by such witness(es).

I further certify that I am not  
related to any of the parties to the action by  
blood or marriage; and that I am in no way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have  
hereunto set my hand this 8th day of  
October, 2020.



LAURA B. LOWENTHAL

October 8, 2020

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